

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1013

S.P. 292

In Senate, February 26, 2019

**An Act To Clarify the Disqualification from Unemployment Benefits
of a Person Who Is Terminated from Employment for Being Under
the Influence of Marijuana**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative BRADSTREET of Vassalboro and
Senators: DAVIS of Piscataquis, DOW of Lincoln, FOLEY of York, HAMPER of Oxford,
Representatives: RILEY of Jay, STANLEY of Medway, STEARNS of Guilford,
WADSWORTH of Hiram.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §1043, sub-§23, ¶A**, as enacted by PL 1999, c. 464, §2, is
3 amended to read:

4 A. The following acts or omissions are presumed to manifest a disregard for a
5 material interest of the employer. If a culpable breach or a pattern of irresponsible
6 behavior is shown, these actions or omissions constitute "misconduct" as defined in
7 this subsection. This does not preclude other acts or omissions from being
8 considered to manifest a disregard for a material interest of the employer. The acts or
9 omissions included in the presumption are the following:

10 (1) Refusal, knowing failure or recurring neglect to perform reasonable and
11 proper duties assigned by the employer;

12 (2) Unreasonable violation of rules that are reasonably imposed and
13 communicated and equitably enforced;

14 (3) Unreasonable violation of rules that should be inferred to exist from
15 common knowledge or from the nature of the employment;

16 (4) Failure to exercise due care for punctuality or attendance after warnings;

17 (5) Providing false information on material issues relating to the employee's
18 eligibility to do the work or false information or dishonesty that may substantially
19 jeopardize a material interest of the employer;

20 (6) Intoxication while on duty or when reporting to work or unauthorized use of
21 alcohol while on duty;

22 (7) Using illegal drugs or being under the influence of such drugs or marijuana
23 while on duty or when reporting to work;

24 (8) Unauthorized sleeping while on duty;

25 (9) Insubordination or refusal without good cause to follow reasonable and
26 proper instructions from the employer;

27 (10) Abusive or assaultive behavior while on duty, except as necessary for self-
28 defense;

29 (11) Destruction or theft of things valuable to the employer or another
30 employee;

31 (12) Substantially endangering the safety of the employee, coworkers,
32 customers or members of the public while on duty;

33 (13) Conviction of a crime in connection with the employment or a crime that
34 reflects adversely on the employee's qualifications to perform the work; or

35 (14) Absence for more than 2 work days due to incarceration for conviction of a
36 crime.

SUMMARY

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This bill clarifies that an individual whose employment is terminated because of the individual's being under the influence of marijuana while on duty or when reporting to work is disqualified from unemployment benefits, as is currently the case for alcohol and illegal drugs.