

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Date: 6/15/21

(Filing No. S-292)

**LABOR AND HOUSING**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**130TH LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 486, L.D. 1509, "An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance in Certain Circumstances"

Amend the bill by striking out the title and substituting the following:

**'An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 26 MRSA §1192, sub-§7, ¶B,** as amended by PL 1983, c. 13, §7, is further amended to read:

B. ~~With Except~~ as provided in subsection 7-A, with respect to weeks of unemployment beginning after September 3, 1982, in any other capacity for an educational institution, benefits ~~shall~~ may not be paid on the basis of those services to any individual for any week ~~which~~ that commences during a period between 2 successive academic years or terms if the individual performs those services in the first of the academic years or terms and there is annual written reasonable assurance that the individual will perform the services in the 2nd of ~~that~~ those academic year years or terms; except that if benefits are denied to any individual under this paragraph and the individual was not offered an opportunity to perform the services for the educational institution for the 2nd of those academic years or terms, the individual ~~shall be~~ is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph;

**Sec. 2. 26 MRSA §1192, sub-§7-A** is enacted to read:

**7-A. Bus drivers.** Notwithstanding subsection 7, paragraph B, a school bus driver employed in a school administrative unit on or after January 1, 2022 is eligible for benefits regardless of whether the school bus driver receives annual written reasonable assurance

ROS

that the school bus driver will perform the services in the 2nd academic year or term of 2 successive academic years or terms.

**Sec. 3. State to pay for benefits through 2023.** Notwithstanding the Maine Revised Statutes, Title 26, section 1221, the State shall fund the costs of unemployment benefits for any school bus driver in a school administrative unit who elects to apply for and is eligible for benefits pursuant to Title 26, section 1192, subsection 7-A. The State shall fund the costs otherwise payable by the school administrative units for unemployment benefits awarded to eligible employees through June 30, 2023.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Employment Security Services 0245**

Initiative: Provides one-time funds for the costs associated with making programming changes to allow the State to reimburse the Unemployment Compensation Fund for unemployment benefits paid to bus drivers through June 30, 2023 and to reverse the programming changes beginning July 1, 2023. Funds appropriated for this purpose do not lapse but must be carried forward into fiscal year 2022-23 to be used for the same purpose.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$500,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$0</b>

**Employment Security Services 0245**

Initiative: Provides one-time funds to reimburse the Unemployment Compensation Fund for unemployment benefits paid to any school bus driver who elects to apply for and is determined eligible for unemployment insurance benefits through June 30, 2023. Funds appropriated for this purpose do not lapse but must be carried forward into fiscal year 2022-23 to be used for the same purpose.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$6,800,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$6,800,000</b>	<b>\$0</b>

**LABOR, DEPARTMENT OF  
DEPARTMENT TOTALS**

	<b>2021-22</b>	<b>2022-23</b>
<b>GENERAL FUND</b>	<b>\$7,300,000</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$7,300,000</b>	<b>\$0</b>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

ROS

**SUMMARY**

This amendment replaces the bill. This amendment allows school bus drivers employed in school administrative units on or after January 1, 2022 to be eligible for unemployment benefits regardless of whether the school bus driver receives annual written reasonable assurance that the school bus driver will perform the services in the 2nd academic year or term of 2 successive academic years or terms. It requires the State to fund the costs of unemployment benefits for any school bus driver in a school administrative unit who elects to apply for and is eligible for benefits under the Employment Security Law. It also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

(See attached)

**130th MAINE LEGISLATURE****LD 1509****LR 361(02)****An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance in Certain Circumstances**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-292)**  
**Committee: Labor and Housing**  
**Fiscal Note Required: Yes**

---

---

**Fiscal Note**

Current biennium cost increase - Unemployment Compensation Fund  
Future biennium cost increase - local school administrative units

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
<b>Net Cost (Savings)</b>				
General Fund	\$7,300,000	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$7,300,000	\$0	\$0	\$0

**Fiscal Detail and Notes**

The Department of Labor estimates the additional cost to the Unemployment Compensation Fund to provide unemployment insurance benefits to school bus drivers employed in a school administrative unit on or after January 1, 2022 to be between \$4.5 million during a period of low unemployment to \$6.8 million during a period of high unemployment.

This bill includes one-time General Fund appropriations totaling \$7.3 million in fiscal year 2021-22 to the Employment Security Services program within the Department of Labor for the costs associated with implementing the requirements of this bill. Of this amount, \$0.5 million is provided for the costs of making programming changes to allow the State to reimburse the Fund for unemployment benefits paid to bus drivers through June 30, 2023 and to reverse the programming changes beginning July 1, 2023. In addition, \$6.8 million is provided for the State to reimburse the Fund for unemployment benefits paid to any school bus driver who elects to apply for and is deemed eligible for unemployment insurance benefits through June 30, 2023. General Fund appropriations provided in this bill do not lapse at the end of fiscal year 2021-22, but must be carried forward into fiscal year 2022-23 to be used for the same purpose. Any unexpended funds at the end of fiscal year 2022-23 lapse to the unappropriated surplus of the General Fund.

This bill will increase unemployment insurance costs to local school administrative units beginning in fiscal year 2023-24. According to the department, approximately 98% of schools are direct reimbursement employers and will be required to reimburse the trust fund for the full costs of benefits paid to the school bus drivers beginning July 1, 2023.