

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 electronic originals
(may include minor formatting differences from printed original)



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1368

H.P. 882

House of Representatives, March 28, 2023

**An Act to Ensure Fairness in Unemployment Benefits by Clarifying
Laws Regarding Labor Organizations**

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative ROEDER of Bangor.

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

2 **Sec. 1. 26 MRSA §1192, sub-§13**, as amended by PL 2017, c. 453, §3, is further
3 amended to read:

4 **13. Reemployment services and eligibility assessment; participation.** In the case
5 that the individual has been referred to reemployment services and eligibility assessment
6 by the Department of Labor, the individual participates in those services, unless the
7 department determines there is good cause for the individual's failure to participate. Failure
8 to participate in reemployment services and eligibility assessment without good cause
9 results in a denial of benefits until the individual participates; ~~and~~

10 **Sec. 2. 26 MRSA §1192, sub-§14**, as enacted by PL 2017, c. 453, §4, is amended
11 by amending the first blocked paragraph to read:

12 An individual may not receive more than 6 weeks of benefits in a benefit year pursuant to
13 this subsection unless approved by the Department of Labor; and

14 **Sec. 3. 26 MRSA §1192, sub-§15** is enacted to read:

15 **15. Actively seeking work; union hiring hall.** An individual is considered to be
16 actively seeking work in accordance with this section if the individual is a member of a
17 bona fide labor union, maintains contact with that union and uses and complies with the
18 placement services of the union hiring hall in seeking work. As used in this subsection,
19 unless the context otherwise indicates, "union hiring hall" means a service provided by a
20 labor union or an entity associated with a labor union that places employees with an
21 employer under a collective bargaining agreement or otherwise places employees with
22 employers.

23 **Sec. 4. 26 MRSA §1193, sub-§3, ¶B**, as amended by PL 2021, c. 348, §40, is
24 further amended by amending subparagraph (2) to read:

25 (2) If the wages, hours, fringe benefits or other conditions of work are substantially
26 less favorable to the individual than those prevailing for similar work in the
27 locality;

28 **Sec. 5. 26 MRSA §1193, sub-§3, ¶B**, as amended by PL 2021, c. 348, §40, is
29 further amended by amending subparagraph (3) to read:

30 (3) If, as a condition of being employed, the individual would be required to join
31 a company union or to resign from or refrain from joining or maintaining
32 membership in any bona fide labor organization;

33 **SUMMARY**

34 This bill establishes that a claimant for unemployment benefits who is a member of a
35 bona fide labor union is considered to meet the requirement to actively seek work to
36 maintain eligibility for unemployment benefits if that claimant uses and complies with the
37 placement services of the union hiring hall in seeking employment. It also adds
38 consideration of whether fringe benefits are substantially less favorable than those
39 prevailing for similar work in the locality in determining whether work is suitable for
40 purposes of the unemployment insurance program. Finally, it provides that work is

1 unsuitable for a claimant if acceptance of that work would prevent that claimant from
2 maintaining membership in a bona fide labor organization.