

MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 547

H. P. 1321

House of Representatives, Feb. 8, 1939.

Referred to Committee on Judiciary. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Bird of Rockland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

**AN ACT Amending the Unemployment Compensation Law Relating to
Benefits.**

Emergency preamble. Whereas on the 18th day of December, 1936 there was passed to be enacted by the legislature of Maine and approved by the governor an emergency measure entitled "An Act Relating to Unemployment Compensation," and

Whereas, through inadvertence, the object intended to be accomplished by said act is not fully possible without amendment of said act, and

Whereas, a failure to amend said act at once will result in depriving many individuals of substantial rights to which they are entitled, and

Whereas, to deprive such individuals of said rights would be a serious menace to the health, morals and welfare of the people of the state which constitute a subject of general interest and concern requiring appropriate and immediate action, and

Whereas, the foregoing facts in the **judgment** of the legislature constitute an emergency within the meaning of the constitution of this state and

requires the following legislation as immediately necessary for the preservation of the public peace, health, and safety;

Now, therefore,

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

Sec. 1. P. L., 1935, c. 192, § 3, amended. Subsection (b) of section 3 of chapter 192 of the public laws of 1935 is hereby repealed, and the following is enacted in place thereof:

‘(b) Each eligible individual who is totally unemployed (as defined in section 19 (j) (1) in any week shall be paid with respect to such week, benefits at the rate shown in column (C) of the schedule below on the line on which in column (A) there is indicated the individual’s wage class. The individual’s wage class shall be determined by the total amount of wages payable to him for insured work during his base period as shown in column (B).

Column A	Column B	Column C
1.	Under	\$144.00
2.	\$144.00	185.41
3.	185.42	228.24
4.	228.25	272.63
5.	272.64	318.58
6.	318.59	366.09
7.	366.10	415.16
8.	415.17	465.78
9.	465.79	517.82
10.	517.83	571.42
11.	571.43	626.57
12.	626.58	683.28
13.	683.29	741.54
14.	741.55	801.37
15.	801.38	862.61
16.	862.62	925.41
17.	925.42	989.77
18.	989.78	1055.69
19.	1055.70	1123.16
20.	1123.17	1192.19
21.	1192.20	1262.64
22.	1262.65	1334.64
23.	1334.65	1408.20
		None
		\$3.00
		3.50
		4.00
		4.50
		5.00
		5.50
		6.00
		6.50
		7.00
		7.50
		8.00
		8.50
		9.00
		9.50
		10.00
		10.50
		11.00
		11.50
		12.00
		12.50
		13.00
		13.50

Column A	Column B	Column C
24.	1408.21	14.00
25.	1483.33	14.50
26.	1560.00 and over	15.00'

Sec. 2. P. L., 1935, c. 192, § 3, amended. Subsection (c) of section 3 of chapter 192 of the public laws of 1935 is hereby repealed and the following is enacted in place thereof:

(c) Each eligible individual who is partially unemployed and who has earned less than his weekly benefit amount in any week shall be paid with respect to such week a partial benefit. Such partial benefit shall be the amount by which the individual's weekly benefit amount is reduced by the amount shown in column (C) in the schedule below on the line on which in column (A) there is indicated the individual's weekly earning class. The individual's weekly earning class shall be determined by the wages payable to him for employment during the week for which he claims a partial benefit as shown in column (B).

Column A	Column B	Column C
1.	Up to	None
2.	\$3.25	\$.50
3.	3.75	1.00
4.	4.25	1.50
5.	4.75	2.00
6.	5.25	2.50
7.	5.75	3.00
8.	6.25	3.50
9.	6.75	4.00
10.	7.25	4.50
11.	7.75	5.00
12.	8.25	5.50
13.	8.75	6.00
14.	9.25	6.50
15.	9.75	7.00
16.	10.25	7.50
17.	10.75	8.00
18.	11.25	8.50
19.	11.75	9.00
20.	12.25	9.50
21.	12.75	10.00

Column A	Column B	Column C
22.	13.25	10.50
23.	13.75	11.00
24.	14.25	11.50
25.	14.75	12.00'

Sec. 3. P. L., 1935, c. 192, § 3, amended. Sub-sections (d) and (e) of section 3 of chapter 192 of the public laws of 1935, as amended by chapter 228 of the public laws of 1937, are hereby repealed and the following is enacted in place thereof:

‘(d) **Duration of benefits.** The maximum total amount of benefits payable to any eligible individual during any benefit year shall be 16 times the individual’s weekly benefit amount (as defined in section 3 (b)).’

‘(e) If benefit payments at the amounts prescribed in sections 3 (b) and 3 (c) are in the aggregate such an amount as will imperil the solvency of the Unemployment Compensation fund, the commission may by regulation reduce the maximum amount of benefits as prescribed in section 3 (d) by not to exceed 6/16 of such maximum amount.’

Sec. 4. P. L., 1935, c. 192, § 3, amended. Section 3 of chapter 192 of public laws of 1935 is hereby amended by adding thereto a new subsection to be designated (f) and to read as follows:

‘(f) If benefit payments at the amounts prescribed in section 3 (b) and 3 (c) are in the aggregate, such an amount as will permit an increase in benefit payments without imperiling the solvency of the unemployment trust fund, the commission may, by regulation, increase the weekly benefit amount set forth in the schedule in section 3 (b) not to exceed 20%. Providing, however, that no weekly benefit amount shall exceed \$18.’

Sec. 5. P. L., 1935, c. 192, additional. Chapter 192 of the public laws of 1935 is hereby amended by adding thereto a new section to be numbered section 3-A and to read as follows:

‘3-A. (a) In the event that the benefits provided by section 3 (b), (c), (d), (e) and (f) are found by the commission to be unjust or inequitable or will imperil the solvency of the fund, the commission may, in its discretion, suspend the operation of sections 3 (b), (d), (e) and (f) and benefits thereupon shall be paid as provided as follows:

(1) **Weekly benefit amount.** An individual’s “weekly benefit amount”, shall be the amount appearing in column (C) in the table in this subsection

on the line on which, in column (A) of such table, there appear the total wages earned by such individual for insured work in that quarter of his base period in which such total wages were highest.

Column A Wages Earned Highest Quarter of the Base Period	Column B Qualifying Wages in Base Period	Column C Weekly Benefit Amounts
37.50-130.00	\$150.00	\$5.00
130.01-156.00	180.00	6.00
156.01-182.00	210.00	7.00
182.01-208.00	240.00	8.00
208.01-234.00	270.00	9.00
234.01-260.00	300.00	10.00
260.01-286.00	330.00	11.00
286.01-312.00	360.00	12.00
312.01-338.00	390.00	13.00
338.01-364.00	420.00	14.00
364.01-390.00	450.00	15.00
390.01-and over	450.00	15.00

(2) Each eligible individual who is totally or partially unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less such reduction as may be made by virtue of the provisions of section (3) (c).

(3) Duration of benefits. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of (1) 16 times his weekly benefit amount, and (2) $\frac{1}{3}$ of the wages earned by him for insured work during his base period: provided that such total amount of benefits, if not a multiple of 50 cents, shall be computed to the next higher multiple of 50 cents. For the purposes of this section, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of section 19 (f) or section 8 (c) with respect to becoming any employer.'

Sec. 6. P. L., 1935, c. 192, § 3, amended. Section 3 of chapter 192 of public laws of 1935 is hereby amended by adding thereto a new subsection to be designated (g) and to read as follows:

'(g) Unemployment benefit rights, credits and charges heretofore provided for or made under previously existing legislation shall be adjusted

to the unemployment benefit rights, payments and charges hereby provided in accordance with such regulations as the commission may prescribe. Providing, however, that in making such regulations, the commission shall give credit for total wages in insured work during the calendar year 1938 and charge against such credits only such unemployment benefits actually heretofore paid against wages earned in insured work during the calendar year 1938.'

Sec. 7. P. L., 1935, c. 192, § 5, amended. Subsection (e) of section 5 of chapter 192 of public laws of 1935 is hereby amended by adding thereto a new subsection to be numbered (4) and to read as follows:

'(4) Benefits under the unemployment compensation law of any state or similar law of the United States.'

Sec. 8. P. L., 1935, c. 192, § 19, amended. Section 19 is hereby amended by adding a new subsection to be numbered (s) and to read as follows:

'(s) "Insured work" means employment for employers.'

Sec. 9. P. L., 1935, c. 192, § 4, amended. Section 4 of chapter 192 of public laws of 1935 is hereby repealed and the following is enacted in place thereof:

'Sec. 4. Benefit eligibility conditions. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that—

(a) He has made a claim for benefits with respect to such week in accordance with such regulations as the commission may prescribe.

(b) He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the commission may prescribe, except that the commission may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this act; provided that no such regulation shall conflict with section 3 (a) of this act.

(c) He is able to work and is available for work at his usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business as his prior training or experience shows him to be fitted or qualified.

(d) He has been unemployed for a waiting period of two weeks. Such

weeks of unemployment need not be consecutive. No week shall be counted as a week of unemployment for the purposes of this subsection:—

(1) Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and provided further that the week or the two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purpose of this subsection only) to be within such benefit year.

(2) If benefits have been paid with respect thereto.

(3) Unless the individual was eligible for benefits with respect thereto as provided in sections 4 and 5 of this act, except for the requirements of this subsection and of subsection (4) of section 5 (e).

(e) He has during his base period earned wages for insured work equal to not less than the amount appearing in column (B) of the total unemployment benefit table, on the line of which, in column (C) of that table, appears his weekly benefit amount. For the purpose of this subsection wages shall be counted as “wages for insured work” for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employer from whom such wages were earned has satisfied the conditions of section 19 (f) or section 8 (c) with respect to becoming an employer.

Sec. 10. P. L., 1935, c. 192, § 19, amended. Subsection (1) of section 19 (j) of chapter 192 of public laws of 1935 is hereby amended to read as follows:

‘(1) An individual shall be deemed “totally unemployed” in any week with respect to which no wages are payable to him and during which he performs no services. ~~(other than odd jobs or subsidiary work for which no wages as used in this sub-section are payable to him).~~’

Sec. 11. P. L., 1935, c. 192, § 19, amended. Subsection (2) of section 19 (j) of chapter 192 of public laws of 1935 is hereby repealed and the following is enacted in place thereof:

‘(2) An individual shall be deemed partially unemployed in any week of less than full-time work if his wages payable from any source for such week are less than the weekly benefit amount he would be entitled to receive if totally unemployed and eligible.’

Sec. 12. P. L., 1935, c. 192, § 19 (j), subsection (3), repealed. Subsection (3) of section 19 (j) of chapter 192 of the public laws of 1935 is hereby repealed.

Sec. 13. P. L., 1935, c. 192, § 19 (j), subsection (4), renumbered. Subsection (4) of section 19 (j) of chapter 192 of public laws of 1935 is to be renumbered and becomes subsection (3).

Sec. 14. P. L., 1935, c. 192, § 19, amended. Subsection (o) of section 19 of chapter 192 of the public laws of 1935 is hereby repealed and the following is enacted in place thereof:

'(o) "Benefit year" means the 12 consecutive month period ending March 31.'

Sec. 15. P. L., 1935, c. 192, § 19, amended. Subsection (p) of section 19 of chapter 192 of the public laws of 1935, as amended by chapter 228 of public laws of 1937, is hereby repealed and the following is enacted in place thereof.

'(p) "Base period" means the 12 consecutive month period ending December 31, immediately preceding the 1st day of a benefit year.'

Sec. 16. P. L., 1935, c. 192, § 19, amended. Subsection (n) of section 19 of chapter 192 of public laws of 1935 as amended by chapter 228 of public laws 1937 is hereby amended to read as follows:

'(n) "Week" means such period or periods of 7 calendar days ending at midnight, as the commission may by regulation prescribe. The commission may, by regulation, prescribe that a week shall be deemed to be "in", "within", or "during" a benefit year which includes any part of such week.'

Sec. 17. P. L., 1935, c. 192, § 21, repealed. Section 21 of chapter 192 of public laws of 1935 is hereby repealed.

Emergency clause. In view of the emergency set forth in the preamble hereof, this act shall take effect when approved.