

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. 1091

H. P. 2055

House of Representatives, March 24, 1939.

Reported by Mr. Bird from Committee on Judiciary and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

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 require 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 Subsection (b) of section 3 of chapter 192 of the public laws of 1935 is hereby repealed, and the following is enacted in place thereof: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) **Weekly benefit amount for total unemployment.** 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 and such rate shall be the individual’s weekly benefit amount. 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	None
2. \$ 144.00	185.41	\$ 3.00
3. 185.42	228.24	3.50
4. 228.25	272.63	4.00
5. 272.64	318.58	4.50
6. 318.59	366.09	5.00
7. 366.10	415.16	5.50
8. 415.17	465.78	6.00
9. 465.79	517.82	6.50
10. 517.83	571.42	7.00
11. 571.43	626.57	7.50
12. 626.58	683.28	8.00
13. 683.29	741.54	8.50
14. 741.55	801.37	9.00
15. 801.38	862.61	9.50
16. 862.62	925.41	10.00
17. 925.42	989.77	10.50
18. 989.78	1055.69	11.00
19. 1055.70	1123.16	11.50
20. 1123.17	1192.19	12.00
21. 1192.20	1262.64	12.50
22. 1262.65	1334.64	13.00
23. 1334.65	1408.20	13.50
24. 1408.21	1483.32	14.00
25. 1483.33	1559.99	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) **Weekly benefit for partial unemployment.** 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 individual’s weekly benefit amount 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	\$ 2.99	None
2.	\$ 3.00	3.49	.50
3.	3.50	3.99	1.00
4.	4.00	4.49	1.50
5.	4.50	4.99	2.00
6.	5.00	5.49	2.50
7.	5.50	5.99	3.00
8.	6.00	6.49	3.50
9.	6.50	6.99	4.00
10.	7.00	7.49	4.50
11.	7.50	7.99	5.00
12.	8.00	8.49	5.50
13.	8.50	8.99	6.00
14.	9.00	9.49	6.50
15.	9.50	9.99	7.00
16.	10.00	10.49	7.50
17.	10.50	10.99	8.00
18.	11.00	11.49	8.50
19.	11.50	11.99	9.00
20.	12.00	12.49	9.50
21.	12.50	12.99	10.00
22.	13.00	13.49	10.50
23.	13.50	13.99	11.00
24.	14.00	14.49	11.50
25.	14.50	14.99	12.00’

Sec. 3. P. L., 1935, c. 192, § 3, amended. Subsections (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) **Maximum amount of benefits to be reduced in certain cases; restoration.** If the commission finds, after reasonable notice and hearing, that benefit payments at the amounts prescribed in sections (3) (b) and (3) (c), if continued, are in the aggregate such an amount as to imperil the solvency of the unemployment compensation fund, the commission shall, by regulation, reduce the maximum amount of benefits as prescribed in section (3) (d) by not to exceed $\frac{6}{16}$ of the maximum amount and subsequently, if the commission finds, after reasonable notice and hearing, that the solvency of the unemployment compensation fund will permit the restoration of benefits as prescribed in section (3) (d) it shall make such restoration in full or in part at the rate of $\frac{1}{16}$ of such maximum amounts or multiples thereof.'

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 the commission finds, after reasonable notice and hearing, that 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 compensation fund, the commission shall, by regulation, increase the weekly benefit amounts set forth in the schedule in section (3) (b) by not to exceed 20%. Providing, however, that no weekly benefit amount shall exceed \$18 and subsequently, if the commission finds, after reasonable notice and hearing, that increased weekly benefit amounts as provided herein are in the aggregate such an amount as to imperil the solvency of the unemployment compensation fund, the commission shall, by regulation, reduce such increased weekly benefit amounts by not to exceed 20% of the weekly benefit amounts set forth in the schedule in section (3) (b) but in making such reduction, no weekly benefit amount shall be reduced below the amounts shown in column (C) of section (3) (b).'

Sec. 5. P. L., 1935, c. 192, § 7, amended. Subsection (1) of section 7 (c) of chapter 192 of the public laws of 1935 is hereby amended to read as follows:

'(1) The commission shall maintain a separate account for each employer, and shall credit his account with all the contributions which he has paid on his own behalf. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual **under the provisions of previously existing legislation** shall be charged against the account of his most recent employers **in his base period** against whose accounts the maximum charges hereunder have not been previously made in the inverse chronological order in which the employment of such individual occurred, but the maximum amount so charged against the account of any employer shall not exceed 1/6 of the wages payable to such individual by each such employer for employment which occurs on and after the 1st day of such individual's base period, or \$65 per completed calendar quarter or portion thereof, whichever is the lesser.

Benefits paid to an eligible individual under the provisions of this act shall be charged against the accounts of his employers in his base period in the inverse chronological order in which such individual was most recently employed by such employers, but the maximum amount so charged against the account of any employer shall not exceed, to the nearest dollar, that proportion of 16 times the individual's weekly benefit amount, which his earnings in the base period for that employer bears to his total earnings for all employers in the base period. The commission shall by general rules prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment during the same week.'

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, adjusted.** 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. Provided, however, that any individual who has a current benefit year established prior to the effective date of this act, shall be paid benefits, in accordance with his last determination applicable to the first calendar quarter of 1939, with his benefit amount adjusted to the next highest one-half dollar, until the expiration of such individual's current benefit year or the exhaustion of his benefit credits under such determination whichever occurs first and such individual

shall thereafter be paid unemployment benefits under the provisions of sections (3) (b), (c), (d), (e) and (f) of the unemployment compensation law as amended, provided further, however, that if such individual's current benefit year terminates or he exhausts his wage credits subsequent to the effective date of this act and prior to April 1, 1940, the maximum amount of benefits payable to such individual until March 31, 1940 as provided in sections (3) (b), (c) and (d) of the unemployment compensation law as amended shall be reduced by the amount of benefits previously paid to such individual by virtue of his benefit credits established during the first 3 calendar quarters of 1938 and no additional waiting period shall be required when the transition occurs during filing of claims for continuous unemployment, and provided further that any individual who has completed a benefit year prior to the effective date of this act, and who becomes eligible for benefits in the benefit year April 1, 1939, to March 31, 1940, shall have his maximum benefits reduced only by the amount of benefits previously paid on the basis of benefit credits established during the first 3 calendar quarters of 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 of chapter 192 of the public laws of 1935 is hereby amended by adding thereto a new subsection to be numbered (s) and to read as follows:

'(s) "Insured work" means employment by 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 totally or partially unemployed for a waiting period of 2 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 2 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 subsection 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 of 1937 is hereby amended to read as follows:

'(n) "Week" means such period or periods of 7 calendar days 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.