

MAINE STATE LEGISLATURE

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THIRD SPECIAL SESSION

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

Legislative Document

No. 1675

H. P. 1150

House of Representatives, May 6, 1958.

The Committee on Labor suggested and 4,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Karkos of Lisbon Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-EIGHT

AN ACT Relating to Definition of Employer Under Employment Security Law.

Emergency preamble. Whereas, economic insecurity due to unemployment is a serious menace to the health, welfare and morals of the people of the State of Maine; and

Whereas, involuntary unemployment is a subject of general interest and concern; and

Whereas, it is vitally necessary that the following legislation be effective immediately to lighten the burden which falls so heavily upon the unemployed worker and his family; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine 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. R. S., c. 29, § 3, sub-§ IX, ¶ A-1, amended. Paragraph A-1 of subsection IX of section 3 of chapter 29 of the Revised Statutes, as enacted by section 1 of chapter 421 of the public laws of 1955 and as repealed and replaced by section 4 of chapter 381 of the public laws of 1957, is amended to read as follows:

'A-1. On and after January 1, 1956 and prior to July 1, 1958, any employing unit which for some portion of a day, but not necessarily simultaneously, in each of 20 different weeks, whether or not such weeks were consecutive, within a calendar year starting with 1955, had in employment 4 or more individuals,

irrespective of whether the same individuals are or were employed in each such day. However, no contributions shall be payable from those employers covered by this paragraph for the calendar year 1955;

Sec. 2. R. S., c. 29, § 3, sub-§ IX, ¶ A-2, additional. Subsection IX of section 3 of chapter 29 of the Revised Statutes, as amended, is further amended by adding a new paragraph as follows:

'A-2. On and after July 1, 1958, any employing unit which for some portion of a day, but not necessarily simultaneously, in each of 20 different weeks, whether or not such weeks were consecutive, within a calendar year starting with 1958, had in employment one or more individuals, irrespective of whether the same individuals are or were employed in each such day. However, no contributions shall be payable from those employers with less than 4 employees covered by this paragraph prior to July 1, 1958;'

Sec. 3. R. S., c. 29, § 5, sub-§ XI, amended. Subsection XI of section 5 of chapter 29 of the Revised Statutes is amended by adding at the end a new paragraph, as follows:

'The commission is authorized and empowered to accept, for the State, any federal funds granted to the State to carry out the provisions of this chapter provided such funds do not have to be repaid to the Federal Government, either directly or indirectly.'

Sec. 4. R. S., c. 29, § 18, sub-§ II, amended. Subsection II of section 18 of chapter 29 of the Revised Statutes, as amended, is further amended to read as follows:

'II. Termination of employer's coverage.

A. Except as otherwise provided in subsection III ~~of this section~~, an employing unit shall cease to be an employer subject to the provisions of this chapter as of the first day of January of any calendar year, only if it files with the commission, prior to the 31st day of January of such year, a written application for termination of coverage, and the commission finds that there were no 20 different days, each day being in a different week within the preceding calendar year, within which such employing unit employed ~~4~~ **one** or more individuals in employment subject to the provisions of this chapter. For the purpose of this subsection, the 2 or more employing units mentioned in ~~paragraph B or C or D of subsection IX of section 3, subsection IX, paragraph B or C or D,~~ shall be treated as a single employing unit.

B. The commission may upon its own motion terminate coverage of any employer when the commission finds that there were no 20 different days, each day being in a different week within the preceding calendar year, within which such employing unit employed ~~4~~ **one** or more individuals in employment subject to the provisions of this chapter; and the commission may, upon its own motion terminate the coverage of an employing unit which had become an employer by virtue of the provisions of subsection III ~~of this section~~, as of January 1st of any calendar year when such em-

ploying unit has, by virtue of approval of its election to become a subject employer, been such a subject employer for the 2 or more preceding calendar years.'

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