

# MAINE STATE LEGISLATURE

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NINETY - FIFTH LEGISLATURE

Legislative Document

No. 1682

H. P. 1157

In House of Representatives, May 6, 1958.

Received by unanimous consent. Referred to Committee on Labor. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Vaughan of Hallowell.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-EIGHT

AN ACT to Exclude National Guard and Reserve Pay from Wages 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 particularly when such worker is a member of the Maine National Guard; 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-§ XVII, ¶¶ A and B, amended.** Paragraphs A and B of subsection XVII of section 3 of chapter 29 of the Revised Statutes, as amended by section 1 of chapter 344 of the public laws of 1957, are further amended to read as follows:

**A.** 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, **except that any amounts received from the Federal Government by members of the National Guard and Organized Reserve, including base pay and allowances, shall not be deemed wages for the purpose of this subsection.**

**B.** 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, **except that any amounts received from the Federal Government by members of the National Guard and Organized Reserve, including base pay and allowances, shall not be deemed wages for the purpose of this subsection.'**

**Sec. 2. R. S., c. 29, § 13, sub-§ III, amended.** Subsection III of section 13 of chapter 29 of the Revised Statutes, as repealed and replaced by chapter 377 of the public laws of 1955 and as amended by section 2 of chapter 344 of the public laws of 1957, is further amended to read as follows:

**'III. Weekly benefit for partial unemployment.** On and after April 1, 1957, each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit in an amount equal to his weekly benefit amount less that part of his earnings paid or payable to him with respect to such week which is in excess of \$5 plus any fraction of a dollar, **except that any amounts received from the Federal Government by members of the National Guard and Organized Reserve, including base pay and allowances, shall not be deemed wages for the purpose of this subsection.'**

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