

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundredth Legislature

OF THE

STATE OF MAINE

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1961

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 361

AN ACT to Amend the Employment Security Law.

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

Sec. 1. R. S., c. 29, § 13, sub-§ II, amended. Subsection II of section 13 of chapter 29 of the Revised Statutes, as amended by chapter 367 of the public laws of 1955 and by chapter 341 of the public laws of 1957, is further amended to read as follows:

'II. Weekly benefit amount for total unemployment. On and after ~~April~~ October 1, ~~1957~~ 1962, each eligible individual who is totally unemployed 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; and the maximum total amount of benefits payable to any eligible individual during any benefit year shall be the amount listed in column (D). The individual's wage class shall be determined by the total amount of wages paid to him for insured work, during his base period as shown in column (B).

Column A	Column B	Column C	Column D
1.	\$ 0.00 up to \$ 299.99	None	None
2.	300.00 up to 349.99	\$ 7.00	\$182.00
3.	350.00 up to 399.99	8.00	208.00
4.	400.00 up to 449.99	9.00	234.00
5.	450.00 up to 499.99	10.00	260.00
6.	500.00 up to 599.99	11.00	286.00
7.	600.00 up to 699.99	12.00	312.00
8.	700.00 up to 799.99	13.00	338.00
9.	800.00 up to 899.99	14.00	364.00
10.	900.00 up to 999.99	15.00	390.00
11.	1000.00 up to 1099.99	17.00	412.00
12.	1100.00 up to 1199.99	18.00	468.00
13.	1200.00 up to 1299.99	19.00	494.00
14.	1300.00 up to 1399.99	20.00	520.00
15.	1400.00 up to 1499.99	21.00	546.00
16.	1500.00 up to 1599.99	22.00	572.00
17.	1600.00 up to 1699.99	23.00	598.00
18.	1700.00 up to 1849.99	24.00	624.00
19.	1850.00 up to 1999.99	25.00	650.00
20.	2000.00 up to 2149.99	26.00	676.00
21.	2150.00 up to 2299.99	28.00	728.00
22.	2300.00 up to 2449.99	29.00	754.00
23.	2450.00 up to 2599.99	30.00	780.00
24.	2600.00 up to 2749.99	31.00	806.00
25.	2750.00 up to 2899.99	32.00	832.00
26.	2900 and over	33.00	858.00

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Column A	Column B	Column C	Column D
1. \$ 400.00 up to	\$ 449.99	\$ 9.00	\$234.00
2. 450.00 up to	499.99	10.00	260.00
3. 500.00 up to	599.99	11.00	286.00
4. 600.00 up to	699.99	12.00	312.00
5. 700.00 up to	799.99	13.00	338.00
6. 800.00 up to	899.99	14.00	364.00
7. 900.00 up to	999.99	15.00	390.00
8. 1,000.00 up to	1,099.99	17.00	442.00
9. 1,100.00 up to	1,199.99	18.00	468.00
10. 1,200.00 up to	1,299.99	19.00	494.00
11. 1,300.00 up to	1,399.99	21.00	546.00
12. 1,400.00 up to	1,499.99	22.00	572.00
13. 1,500.00 up to	1,599.99	23.00	598.00
14. 1,600.00 up to	1,699.99	25.00	650.00
15. 1,700.00 up to	1,849.99	26.00	676.00
16. 1,850.00 up to	1,999.99	27.00	702.00
17. 2,000.00 up to	2,149.99	28.00	728.00
18. 2,150.00 up to	2,299.99	29.00	754.00
19. 2,300.00 up to	2,449.99	30.00	780.00
20. 2,450.00 up to	2,599.99	31.00	806.00
21. 2,600.00 up to	2,749.99	32.00	832.00
22. 2,750.00 up to	2,899.99	33.00	858.00
23. 2,900.00 and over		34.00	884.00'

Sec. 2. R. S., c. 29, § 13, sub-§ III, repealed and replaced. Subsection III of section 13 of chapter 29 of the Revised Statutes, as last amended by chapter 305 of the public laws of 1959, is repealed and the following enacted in place thereof:

'III. Weekly benefit for partial unemployment. On and after October 1, 1962, each eligible individual whose earnings from his regular employment in any week are less than his weekly benefit amount shall be paid with respect to such week a partial benefit equal to the difference between such earnings and his weekly benefit amount; except that an individual whose partial earnings are from employment other than where regularly employed shall be paid an amount equal to his weekly benefit amount less that part of his earnings paid, or payable to him, for such week which is in excess of \$10, plus any fraction of a dollar, except that any amounts received by a volunteer fireman, or from the Federal Government by members of the National Guard and Organized Reserve, including base pay and allowances, shall not be deemed to be wages for the purposes of this subsection.'

Sec. 3. R. S., c. 29, § 14, sub-§ III, amended. Subsection III of section 14 of chapter 29 of the Revised Statutes, as repealed and replaced by section 4 of chapter 421 of the public laws of 1955 and as amended by chapter 396 of the public laws of 1957, is further amended to read as follows:

'III. Is able and available for work. 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; and in addition to having complied with the provisions of subsection II is himself actively seeking work, making a reasonable effort to seek such work. An individual shall be ineligible to receive benefits for any week or weeks which is or are recognized as a vacation week period for his grade, class or shift at the factory, mill, workshop or other premises where he is employed or for which he has received or is entitled to receive vacation pay; except that an individual who is not entitled to receive vacation pay for or during any such vacation week or weeks may qualify for benefits or credit for his waiting period if he is available for work and complies with the other conditions of eligibility; but no claimant shall be considered ineligible in any week of unemployment for failure to comply with this subsection if such failure is due to an illness or disability which occurs after he has registered for work and no work which would have been considered suitable at the time of his registration has been offered to him after the beginning of such illness or disability, the claimant shall furnish satisfactory evidence of such illness or disability in such form as the commission shall prescribe. A female claimant shall be ineligible to receive benefits, or waiting period credit, for any week wholly or partly within the 8 weeks immediately prior to the expected date of such individual's giving birth to a child and within the 4 weeks after the actual birth of her child if her unemployment is due to or as the result of pregnancy and, in addition, shall in any event be ineligible to receive benefits or waiting period credit for a period of 8 weeks immediately prior to the expected date of such individual giving birth to a child and within 4 weeks after the actual birth of her child.'

Sec. 4. R. S., c. 29, § 15, sub-§ I, amended. Subsection I of section 15 of chapter 29 of the Revised Statutes, as last amended by chapter 341 of the public laws of 1959, is further amended to read as follows:

'I. Voluntarily leaves work. For the period of unemployment subsequent to his having retired, or having left his regular employment voluntarily and without good cause attributable to such employment, or with respect to a female claimant who has voluntarily left work to marry, or to perform the customary duties of a housewife, or to leave the locale to live with her husband, or to a claimant who has voluntarily removed himself from the labor market where presently employed to an area where employment opportunity is less frequent, if so found by the commission, for not less than 5 nor more than 14 weeks in addition to the waiting period of one week, and his maximum benefit amount shall be reduced by an amount equivalent to the number of such weeks of disqualification times his weekly benefit and disqualification shall continue until claimant has earned fifteen times his weekly benefit amount. A separation shall not be considered to be voluntary without good cause when it was caused by the illness or disability of the claimant and the claimant took all reasonable precautions to protect his employment status by having promptly notified his employer as to the reasons for his absence and by promptly requesting reemployment when he was again able to resume employment; In no event shall disqualification for voluntarily leaving regular employment be avoided by periods of other employment unless such other employment shall have continued for 4 full weeks;'

Sec. 5. R. S., c. 29, § 15, sub-§ II, amended. Subsection II of section 15 of chapter 29 of the Revised Statutes, as amended by section 2 of chapter 376 of the public laws of 1955, is further amended to read as follows:

'II. Discharge for misconduct. For the week in which he has been For the period of unemployment subsequent to his having been discharged for miscon-

duct connected with his work, if so found by the commission, ~~and for not less than 7 nor more than 14 weeks in addition to the waiting period of one week which immediately follows such discharge, and his maximum benefit amount shall be reduced by an amount equivalent to the number of such weeks of disqualification times his weekly benefit amount; and disqualification shall continue until claimant has earned 20 times his weekly benefit amount. The term misconduct shall include but not be limited to repeated absenteeism or tardiness after notice or warning, insubordination without provocation by the employer or his agent and disregard of the employer's interest, rules or regulations;~~

Sec. 6. R. S., c. 29, § 15, sub-§ III, amended. Subsection III of section 15 of chapter 29 of the Revised Statutes, as repealed and replaced by section 3 of chapter 376 of the public laws of 1955, is amended to read as follows:

'III. Refused to accept work. If he has refused to accept an offer of suitable work for which he is reasonably fitted, or has refused to accept a referral to a job opportunity when directed to do so by a local employment office of this State or another state or if an employer is unable to contact a former employee at last known or given address, for purpose of recall to employment; or the individual fails to respond to a call in card requesting him to report to the local office for the purpose of a referral to a suitable job, and the disqualification shall begin with the week in which the refusal occurred and shall continue ~~for the duration of the period of unemployment during which such refusal occurred~~ shall continue until claimant has earned 15 times his weekly benefit amount. For the purpose of this subsection, lack of transportation shall not be a valid excuse for refusal provided the work offered is suitable.'

Sec. 7. R. S., c. 29, § 15, sub-§ IV, amended. The first paragraph of subsection IV of section 15 of chapter 29 of the Revised Statutes is amended to read as follows:

'For any week with respect to which the commission finds that his total or partial unemployment is due to a stoppage of work which exists or existed because of a labor dispute at the factory, establishment or other premises at which he is or was last employed ~~provided that this~~. This subsection shall not apply if it is shown to the satisfaction of the commission that:'

Sec. 8. R. S., c. 29, § 15, sub-§ V, amended. The first paragraph of subsection V of section 15 of chapter 29 of the Revised Statutes, as repealed and replaced by section 12 of chapter 381 of the public laws of 1957, is amended to read as follows:

'For any week with respect to which he is receiving, is entitled to receive or has received remuneration in the form of:'

Sec. 9. R. S., c. 29, § 15, sub-§ V, ¶ A, amended. Paragraph A of subsection V of section 15 of chapter 29 of the Revised Statutes, as enacted by section 12 of chapter 381 of the public laws of 1957, is amended to read as follows:

'A. Dismissal wages or wages in lieu of notice or terminal pay or vacation pay; or'

Sec. 10. R. S., c. 29, § 15, sub-§ VI, amended. Subsection VI of section 15 of chapter 29 of the Revised Statutes, as last repealed and replaced by section 13 of chapter 381 of the public laws of 1957, is amended to read as follows:

'VI. Has falsified. For any week for which the deputy finds that the claimant made a false statement or representation knowing it to be false or knowingly fails to disclose a material fact in his application to obtain benefits ~~and his maximum benefit amount shall be reduced by an amount equivalent to the number of such weeks of disqualification times his weekly benefit amount~~ and the disqualification shall continue until claimant shall have earned not less than \$400 thereafter in subsequent employment. In addition, if the deputy finds that the claimant did in fact knowingly accept benefits to which he was not entitled, he shall find the claimant ineligible to receive any ~~further~~ benefits for a further period of not less than 3 months nor more than one year.'

Sec. 11. R. S., c. 29, § 15, sub-§ VII, amended. Subsection VII of section 15 of chapter 29 of the Revised Statutes, as enacted by section 4 of chapter 376 of the public laws of 1955, is amended to read as follows:

'VII. Discharged for crime. For the period of unemployment next ensuing with respect to which he was discharged for conviction of felony or misdemeanor in connection with his work. The ineligibility of such individual shall continue for all weeks subsequent until such individual has thereafter earned not less than ~~\$300~~ \$400 in employment.'

Sec. 12. R. S., c. 29, § 3, sub-§ XXII, additional. Section 3 of chapter 29 of the Revised Statutes, as amended, is further amended by adding a new subsection XXII, to read as follows:

'XXII. Regular employment. "Regular employment" means work at the individual's customary trade, occupation, profession or business as opposed to temporary or odd job employment.'

Effective September 16, 1961

Chapter 362

AN ACT Relating to Operating Business on the Lord's Day and Certain Holidays.

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

Sec. 1. R. S., c. 134, § 38, repealed and replaced. Section 38 of chapter 134 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 38. Operating business on the Lord's Day and certain holidays. No person shall on the Lord's Day, Memorial Day, July 4th, November 11th and Thanksgiving Day, as proclaimed by the Governor, keep open his place of business to the public except for works of necessity or charity.

This section shall not apply to common, contract and private carriers; taxicabs; airplanes; radio and television stations; newspaper publishers; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle service stations; retail monument dealers; automatic laundries; grocery stores; drug stores; book stores; stores selling gifts or souvenirs; greenhouses; roadside stands engaged in sale of farm produce or dairy products; public utilities; industries normally kept in continuous operation including but not