

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE
3, SECTION 164, SUBSECTION 6.**

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1981

- (1) Sale or lease of lots to an abutting owner or to a spouse, child, parent, grandparent or sibling of the developer; or
- (2) Personal, nonprofit transactions, such as the transfer of lots by gift or device.

Effective September 18, 1981

CHAPTER 228

H. P. 1190 — L. D. 1414

AN ACT Relating to Seeking Work and Accepting Suitable Work to be Eligible for Extended Unemployment Benefits.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Employment Security Law must provide for payment of extended benefits during certain periods in conformity with provisions of the Federal-State Extended Unemployment Compensation Act of 1970; and

Whereas, amendments made by the United States Omnibus Reconciliation Act, P.L. 96-499, specify criteria for seeking work and accepting suitable work with regard to extended benefit claimants; and

Whereas, new federal conformity requirements mandate state implementation of these measures effective the first week after March 31, 1981; 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:

26 MRSA § 1195, sub-§§ 3-A to 3-F are enacted to read:

3-A. Failure to accept or seek work as grounds for ineligibility. Notwithstanding subsection 3, an individual shall be ineligible for payment of extended benefits for any week of unemployment in his eligibility period if the deputy finds that during such period:

A. He failed to accept an offer of suitable work, as defined under subsection 3-C, or failed to apply for any suitable work to which he was referred by the employment service; or

B. He failed to actively engage in seeking work as prescribed under subsection 3-E.

3-B. Additional ineligibility. Any individual who has been found ineligible for extended benefits for reason of the provisions in subsection 3-A shall also be denied benefits beginning with the first day of the week following the week in which that failure occurred and until he has been employed in each of 4 subsequent weeks, whether or not consecutive, and has earned remuneration equal to not less than 4 times the extended weekly benefit amount.

3-C. Definition. For purposes of this section, the term "suitable work" means, with respect to any individual, any work which is within the individual's capabilities, subject to the following:

A. The gross average weekly remuneration payable for the work must exceed the sum of:

- (1) The individual's extended weekly benefit amount as determined under subsection 4; and**
- (2) The amount, if any, of supplemental unemployment benefits as defined in the United States Internal Revenue Code of 1954, Section 501 (c) (17) (D), payable to the individual for that week;**

B. The work must pay wages not less than the higher of:

- (1) The minimum wage provided by the United States Fair Labor Standards Act of 1938, Section 6 (a) (1), without regard to any exemption; or**
- (2) The applicable state or local minimum wage; and**

C. No individual may be denied extended benefits for failure to accept an offer of or apply for any job which meets the definition of suitability described in this subsection if:

- (1) The position was not offered to the individual in writing and was not listed with the employment service;**
- (2) The failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants in section 1193, subsection 3 to the extent that the criteria of suitability in that section are not inconsistent with this subsection; and**
- (3) The individual furnishes satisfactory evidence to the deputy that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If the evidence is deemed satisfactory for this purpose the determination of whether any work is suitable with respect to that individual shall be made in accordance with the definition of suitable work for**

regular benefit claimants in section 1193, subsection 3 without regard to the definition specified by this subsection.

3-D. Work to be in accord with labor standard provisions. Notwithstanding the provisions of subsection 3 to the contrary, no work may be deemed to be suitable work, for an individual, which does not accord with the labor standard provisions required by the United States Internal Revenue Code of 1954, Section 3304 (a) (5) and set forth under section 1193, subsection 3, paragraph B.

3-E. Actively engaged in seeking work. For the purposes of subsection 3-A, paragraph B, an individual shall be treated as actively engaged in seeking work during any week if:

A. The individual has engaged in a systematic and sustained effort to obtain work during that week; and

B. The individual furnishes tangible evidence that he has engaged in that effort during that week.

3-F. Referred to suitable work. The employment service shall refer any claimant entitled to extended benefits under subsections 3-A to 3-E to any suitable work which meets the criteria prescribed in subsection 3-C.

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

Effective May 6, 1981

CHAPTER 229

H. P. 543 — L. D. 619

AN ACT to Provide Equality between Home Improvement Loans and Other Consumer Credit Loans.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the current maximum annual interest rate allowed on home improvement loans is 15% under Title 9-A, section 2-201, subsection 7, although the current maximum annual interest rate allowed on other consumer credit transactions is 18% per year under Title 9-A, section 2-201, subsection 2; and

Whereas, interest rates have fluctuated greatly in recent years, creating a need for a greater maximum annual interest rate for home improvement loans; and