

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

ending on the computation date applicable to such year, and for rate years thereafter his contribution rate shall be determined in accordance with subsections 3 and 4.

Sec. 3. 26 MRSA §1221, sub-§6, ¶C, as last amended by PL 1981, c. 16, §9, is further amended to read:

C. Fund reserve ratio. "Fund reserve ratio" means the percentage obtained by dividing the net balance available for benefit payments as of September 30th of each calendar year divided by the total wages for the preceding calendar year.

Effective July 13, 1982.

CHAPTER 548

H.P. 1753 - L.D. 1743

AN ACT to Amend the Employment Security Law to Include Federal Requirements and Other Options Available to the State.

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

Sec. 1. 26 MRSA §1191, sub-§7 is enacted to read:

7. Child support obligations deducted and withheld from benefits. Child support obligations shall be deducted and withheld from benefits as follows.

A. An individual filing a new claim for unemployment compensation on and after October 1, 1982, shall, at the time of filing the claim, disclose whether or not the individual owes child support obligations as defined under paragraph G. If any such individual discloses that he owes child support obligations, and is determined to be eligible for unemployment compensation, the commissioner shall notify the state or local child support enforcement agency enforcing the obligation that the individual has been determined to be eligible for unemployment compensation.

B. Notwithstanding any other provisions of this chapter, the commissioner shall deduct and withhold from any unemployment compensation payable to an individual who owes child support obligations as defined under paragraph G:

(1) The amount specified by the individual to the commissioner to be deducted and withheld under this subsection, if neither subparagraph (2) nor subparagraph (3) is applicable;

(2) The amount, if any, determined pursuant to an agreement submitted to the commissioner under the United States Social Security Act, Section 454 (20) (B) (i), by the state or local child support enforcement agency, unless subparagraph (3) is applicable; or

(3) Any amount otherwise required to be so deducted and withheld from the unemployment compensation pursuant to legal process, as that term is defined in the United States Social Security Act, Section 462 (e), properly served upon the commissioner.

C. Any amount deducted and withheld under paragraph B shall be paid by the commissioner to the appropriate state or local child support enforcement agency.

D. Any amount deducted and withheld under paragraph B shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

E. For purposes of paragraphs A to D, the term, "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the commissioner pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

F. This subsection applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the commissioner under this subsection which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

G. The term "child support obligations" is defined for

purposes of this subsection as including only obligations which are being enforced pursuant to a plan described in the United States Social Security Act, Section 454, which has been approved by the Secretary of Health and Human Services under the United States Social Security Act, Title IV, Part D.

H. The term "state or local child support enforcement agency" as used in this subsection means any agency of this State or a political subdivision thereof operating pursuant to a plan described in paragraph G.

Sec. 2. 26 MRSA §1192, sub-§6-A is enacted to read:

6-A. Prohibition against disqualification of individuals in approved training under the United States Trade Act of 1974. Notwithstanding any other provisions of this chapter, no otherwise eligible individual may be denied benefits for any week because he is in training approved under the United States Trade Act of 1974, Section 236 (a) (1), nor may that individual be denied benefits by reason of leaving work to enter that training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this chapter, or any applicable federal unemployment compensation law, relating to availability for work, active search for work or refusal to accept work. Benefits paid to any eligible claimant while in such training for which, except for this subsection, the claimant could be disqualified under section 1193, subsection 1 or 3, shall not be charged against the experience rating record of any employer but shall be charged to the General Fund.

For purposes of this subsection, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the United States Trade Act of 1974, and wages for such work at not less than 80% of the individual's average weekly wage as determined for the purposes of the United States Trade Act of 1974.

Sec. 3. 26 MRSA §1195, sub-§1, ¶C, as enacted by PL 1971, c. 119, is repealed and the following enacted in its place:

C. Extended benefit period. "Extended benefit period" means a period which:

(1) Begins with the 3rd week after a week for which there is a state "on" indicator; and

(2) Ends with either of the following weeks, whichever occurs later:

(a) The 3rd week after the first week for which there is a state "off" indicator; or

(b) The 13th consecutive week of such period; provided that no extended benefit period may begin by reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to this State.

Sec. 4. 26 MRSA §1195, sub-§1, ¶¶E and F, as repealed and replaced by PL 1977, c. 570, §24, are repealed.

Sec. 5. 26 MRSA §1195, sub-§1, ¶H, sub-¶ (2), as enacted by PL 1971, c. 119, is amended to read:

(2) Was less than 4%, except that for weeks beginning after September 25, 1982, the percentage shall be 5%.

Sec. 6. 26 MRSA §1195, sub-§1, ¶I, sub-¶ (2), as enacted by PL 1971, c. 119, is amended to read:

(2) Equaled or exceeded 4%, except that for weeks beginning after September 25, 1982, the percentage shall be 5%.

Sec. 7. 26 MRSA §1195, sub-§1, ¶L, as repealed and replaced by PL 1977, c. 247, is amended by adding at the end a new sentence to read:

For weeks beginning after September 25, 1982, the figure 5 in subparagraph (2) shall be 6.

Sec. 8. 26 MRSA §1195, sub-§3, ¶B, as enacted by PL 1971, c. 119, is amended to read:

B. He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; and

Sec. 9. 26 MRSA §1195, sub-§3, ¶C is enacted to read:

C. For each individual who files an initial claim for extended benefits after September 25, 1982, he has been paid wages for insured work during his base period equal to at least 1 1/2 times the wages paid in that

calendar quarter of his base period in which those wages were highest.

Sec. 10. 26 MRSA §1195, sub-§5, as enacted by PL 1971, c. 119, is amended by adding at the end a new paragraph to read:

Notwithstanding any other provisions of this chapter, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that the individual would, except for this subsection, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

Sec. 11. 26 MRSA §1195, sub-§7, as amended by PL 1977, c. 675, §21, is further amended to read:

7. Beginning and termination of extended benefit period. Whenever an extended benefit period is to become effective in this State, ~~or in all states,~~ as a result of a state ~~or a national~~ "on" indicator, or an extended benefit period is to be terminated in this State as a result of a state "off" indicator ~~or state and national "off" indicators,~~ the commissioner shall make an appropriate public announcement.

Effective July 13, 1982.

CHAPTER 549

H.P. 1812 - L.D. 1797

AN ACT to Permit the Attorney General to Authorize his Deputies to Act in his Place in Certain Situations.

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

5 MRSA §196, as last amended by PL 1981, c. 67, Pt. F, §§1 and 2, is further amended by adding at the end a new