

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

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

---

J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

---

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

---

---

## CHAPTER 650

S.P. 731 - L.D. 2017

AN ACT to Amend Certain Sections of  
the Law Related to the Department of Labor.

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

Whereas, the United States Unemployment Tax Act requires state unemployment laws to conform to federal law; and

Whereas, noncompliance can cause employers to lose federal tax credits for contributions made to the Unemployment Compensation Fund; and

Whereas, this bill corrects an inadvertent error that caused the United States Department of Labor to notify the State that its program no longer complies with federal law; 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. 26 MRSA §1193, sub-§3, ¶B, as amended by PL 1983, c. 257, §2, is further amended to read:

B. Notwithstanding any other provisions of this chapter, no work may shall not be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout or other labor dispute;

(2) If the wages, hours or other conditions of work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(4) If the position offered is the same one previously vacated by the claimant for good cause attributable to that employment or is the position which the employee left for reasons attributable to that employment, but which were found insufficient to relieve disqualification for benefits under subsection 1, paragraph A, provided that, in either instance, the specific good cause or specific reasons for leaving have not been removed or otherwise changed; and

(5) If the position offered is on a shift, the greater part of which falls between the hours of midnight to 5 a.m., and is refused because of parental obligation, the need to care for an immediate family member, or the unavailability of a personal care attendant required to assist the unemployed individual who is a handicapped person.

Sec. 2. 26 MRSA §1221, sub-§3, ¶A, as amended by PL 1983, c. 128, §2, is further amended to read:

A. At the time the status of an employing unit is ascertained to be that of an employer, the deputy commissioner shall establish and thereafter maintain until such employer status is terminated, for each such employer an "experience rating record," to which shall be credited all the contributions which the employer thereafter pays on his own behalf. Nothing in this chapter shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund. Benefits paid to an eligible individual under the Maine Employment Security Law shall be charged against the "experience rating record" of the claimant's most recent subject employer or to the General Fund if the otherwise chargeable "experience rating record" is that of an employer whose status as such has been terminated; except that no charge shall be made to an individual employer but shall be made to the General Fund if the commission finds that:

(1) Claimant's separation from his last employer was for misconduct in connection with

his employment, or was voluntary without good cause attributable to such employer;

(2) Claimant has refused to accept reemployment in suitable work when offered by a previous employer, without good cause attributable to such employer;

(3) Benefits paid are not chargeable against any employer's experience rating record in accordance with section 1194, subsection 11, paragraphs B and C;

(5) Reimbursements are made to a state, the Virgin Islands or Canada for benefits paid to a claimant under a reciprocal benefits arrangement as authorized in section 1082, subsection 12; provided that the wages of the claimant transferred to such other state, the Virgin Islands or Canada under such arrangement are less than the amount of wages for insured work required for benefit purposes by section 1192, subsection 5; or

(6) Claimant was hired by his last employer to fill a position left open by a Legislator given a leave of absence under chapter 7, subchapter V-A, and claimant's separation from this employer was because the employer restored the Legislator to the position after his leave of absence as required by chapter 7, subchapter V-A.

Sec. 3. 26 MRSA §1401, first ¶, as amended by PL 1983, c. 351, §37, is amended to read:

There is created and established the Department of Labor to achieve the most effective utilization of the employment and training resources in the State by developing and maintaining an accountable state employment and training policy, by insuring safe working conditions and protection against loss of income and by enhancing the opportunities of the individual individuals to improve his their economic status, to consist of a Commissioner of Labor appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following as created and established: The Unemployment Insurance Commission, the Bureau of Employment Security, the Bureau of Labor Standards, the office of Maine CETA the Bureau of Employment and Training Programs, the State Employment and Training Council, the State Job Training Coordinating Council staff the

Maine Job Training Council, the Private Industry Council staff, the Employment and Training staff and such other advisory, planning and coordinating council staff, and such other advisory, planning and coordinating committees as the commissioner deems necessary to carry out the purposes of the statute.

Sec. 4. 26 MRSA §1401, sub-§2, as amended by PL 1983, c. 351, §37 and as repealed and replaced by c. 489, §15, is repealed and the following enacted in its place:

2. Personnel. Appoint to serve at his pleasure:

A. Assistant to the Commissioner;

B. Assistant to the Commissioner for Public Affairs;

C. Director, Planning and Program Services;

D. Director, Bureau of Labor Standards;

E. Executive Director, Bureau of Employment Security;

F. Director, Maine Job Training Council;

G. Executive Secretary, Maine Occupational Information Coordinating Committee; and

H. Executive Director, Bureau of Employment and Training Programs.

The commissioner may appoint, subject to the Personnel Law, such other personnel as may be necessary to carry out the functions of the department. The commissioner may transfer personnel within the department to insure the efficient utilization of department personnel;

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

Effective March 14, 1984.

---

## CHAPTER 651

H.P. 1564 - L.D. 2073

AN ACT to Amend the Statutes Relating  
to the Approval of Correspondence Schools  
and Trade and Technical Schools.