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Legislative Document

No. 700

H.P. 491

House of Representatives, February 28, 2017

An Act To Give Flexibility to Employees and Employers for Temporary Layoffs

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PARRY of Arundel.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: BERRY of Bowdoinham, DEVIN of Newcastle, FECTEAU of Biddeford,
SANDERSON of Chelsea, Senator: COLLINS of York.

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

2 **Sec. 1. 26 MRSA §1192, sub-§2**, as amended by PL 2013, c. 314, §1, is further
3 amended to read:

4 **2. Has registered for work.** The individual has registered for work at, and
5 continued to report at, an employment office in accordance with rules the commission
6 adopts, except that the commission may, by rule, waive or alter either or both of the
7 requirements of this subsection as to individuals attached to regular jobs and as to such
8 other types of cases or situations with respect to which the commission finds that
9 compliance with the requirements would be oppressive, or would be inconsistent with the
10 purposes of this chapter. A rule under this subsection may not conflict with section 1191,
11 subsection 1.

12 The individual must actively seek work each week in which a claim for benefits is filed
13 unless the individual is participating in approved training under subsection 6, the
14 individual is temporarily laid off under subsection 14 or work search has been waived in
15 accordance with rules adopted by the commission and provide evidence of work search
16 efforts in a manner and form as prescribed by the Department of Labor. Failure to
17 provide required work search documentation results in a denial of benefits in accordance
18 with section 1194, subsection 2 for the week or weeks for which no documentation was
19 provided unless the department determines there is good cause for the individual's failure
20 to comply with this requirement;

21 **Sec. 2. 26 MRSA §1192, sub-§12**, as amended by PL 2011, c. 645, §3, is further
22 amended to read:

23 **12. Participation in reemployment services.** The individual who has been referred
24 to reemployment services, pursuant to a profiling system established by the
25 commissioner, participates in those services or similar services unless it is determined
26 that the individual has completed those services or there is good cause for the individual's
27 failure to participate; ~~and~~

28 **Sec. 3. 26 MRSA §1192, sub-§13**, as enacted by PL 2011, c. 645, §4, is amended
29 to read:

30 **13. Reemployment eligibility assessment services; participation.** In the case that
31 the individual has been referred to reemployment eligibility assessment services by the
32 Department of Labor, the individual participates in those services, unless the department
33 determines there is good cause for the individual's failure to participate. Failure to
34 participate in reemployment eligibility assessment services without good cause results in
35 a denial of benefits until the individual participates; and

36 **Sec. 4. 26 MRSA §1192, sub-§14** is enacted to read:

37 **14. Temporary layoffs.** Notwithstanding any other provisions of this chapter, any
38 otherwise eligible claimant who is temporarily laid off by an employer that has given that
39 individual a definite recall date of not more than 12 weeks from the date of the
40 individual's temporary layoff may not be denied benefits for any week with respect to

1 subsection 2 or 3, relating to work search requirements, for the duration of that temporary
2 layoff, so long as the recall date is confirmed by the employer.

3

SUMMARY

4 This bill creates an exemption from the eligibility requirements for unemployment
5 benefits dealing with work search for an individual otherwise eligible for unemployment
6 benefits when that individual has been temporarily laid off with a definite recall date of
7 not more than 12 weeks from the date of the individual's temporary layoff.