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Public Law
124th Legislature
First Regular Session

Chapter 271
H.P. 1025 - L.D. 1474

**An Act To Assist Maine Workers and Businesses
in Succeeding in a Changing Economy**

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

Sec. 1. 26 MRSA §1043, sub-§5, as corrected by RR 1991, c. 1, §35, is amended to read:

5. Benefit year. "Benefit year" means the one-year period beginning with the date with respect to which an insured worker files a request for determination of his the worker's insured status, and thereafter the one-year period beginning with the date with respect to which he the worker next files such a request after the end of his the worker's last preceding benefit year. If an insured worker files a request for determination of his the worker's insured status during a week in which one calendar quarter ends and another begins, the benefit year for applicable base period identity purposes ~~shall be~~ is deemed to begin on the first day of the new calendar quarter.

B. A dislocated worker, as defined in section 1196, subsection 1, enrolled in a training program approved under section 1192, subsection 6, ~~6-A or 6-B, 6-C, 6-D or 6-E~~ who has exhausted his the worker's benefit year within 30 months of his the worker's enrollment in the training program, ~~shall be~~ is entitled to the product of his the worker's most recent weekly benefit amount multiplied by the number of weeks in which that person is in an approved training program, up to a maximum of 26 weeks, provided that no benefits may be paid under this paragraph to any person:

(1) Until the person has exhausted benefits for which that person is eligible under any unemployment insurance benefit program funded in whole or in part by the State Government or Federal Government; or

(2) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks; ~~or~~ .

~~(3) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.~~

In the case of a combined-wage claim pursuant to the arrangement approved by the secretary in accordance with section 1082, subsection 12, the benefit year ~~shall be~~ is that applicable under the unemployment compensation law of the paying state.

Sec. 2. 26 MRSA §1191, sub-§4, as amended by PL 1987, c. 570, §2, is further amended to read:

4. Maximum amount of benefits. The maximum amount of benefits ~~which shall~~ that may be paid to any eligible individual with respect to any benefit year, whether for total or partial unemployment, ~~shall may~~ not exceed the lesser of 26 times ~~his~~ the individual's weekly benefit amount or 33 1/3%, rounded to the nearest dollar, of ~~his~~ the individual's total wages paid for insured work during ~~his~~ the individual's base period, plus the supplemental weekly benefit for dependents payable under subsection 6.

A. If a dislocated worker, as defined in section 1196, subsection 1, who is in training approved under section 1192, subsection 6, ~~6-A or 6-B, 6-C, 6-D or 6-E~~ qualifies for additional benefits under section 1043, subsection 5, paragraph B, or exhausts ~~his~~ the worker's entitlement to benefits available to ~~him~~ the worker under this subsection, the maximum amount under this subsection ~~shall be~~ is the product of ~~his~~ the worker's most recent weekly benefit amount multiplied by the number of weeks in which ~~he~~ the worker thereafter attends an approved training program. No increase may be made under this paragraph, with respect to any benefit period, greater than 26 times the individual's weekly benefit amount.

(1) Benefits paid to an individual under this paragraph ~~shall may~~ not be charged against the experience rating record of any employer, but ~~shall~~ must be charged to the General Fund.

(2) No benefits may be paid under this paragraph to any person:

(b) Until the person has exhausted benefits for which ~~he~~ the person is eligible under any unemployment insurance benefit program funded in whole or in part by the State Government or Federal Government; or

(c) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks; ~~or~~ .

~~(d) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.~~

Sec. 3. 26 MRSA §1192, sub-§6-D, as amended by PL 1995, c. 665, Pt. DD, §1 and affected by §12, is further amended to read:

6-D. Prohibition against disqualification of individuals in approved training.

Notwithstanding any provisions of this chapter, the acceptance of training for opportunities available under ~~section~~ sections 2031 and 2033 is deemed to be acceptance of training with state approval under federal or state law relating to unemployment benefits.

Sec. 4. 26 MRSA §1196, sub-§1, ¶A, as enacted by PL 1985, c. 591, §5, is amended to read:

A. An individual who:

(1) Has been terminated or laid off from employment as a result of a reduction of operations at the individual's place of employment or who has received a notice of termination or layoff from employment;

~~(2) Is eligible for or has exhausted his entitlement to unemployment compensation; and~~

~~(3) Is unlikely to return to his previous industry or occupation;~~

Sec. 5. 26 MRSA §1196, sub-§2, ¶D, as enacted by PL 1985, c. 591, §5, is amended to read:

D. The success rate in placing trainees who receive benefits under those provisions; and

Sec. 6. 26 MRSA §1196, sub-§2, ¶E, as enacted by PL 1985, c. 591, §5, is amended to read:

E. The total cost of benefits paid under those provisions and the effect on the Unemployment Trust Fund: ; and

Sec. 7. 26 MRSA §1196, sub-§2, ¶F is enacted to read:

F. The number of persons participating in training while receiving extended unemployment benefits under those provisions during the report year who have previously completed a training program while receiving extended unemployment benefits under those provisions, including the length of time between those enrollments.

Sec. 8. Review; report. The Commissioner of Labor shall review the unemployment insurance program established under the Maine Revised Statutes, Title 26, chapter 13 to determine factors that contribute to the State's low reciprocity rate relative to other states as determined by the United States Department of Labor, Office of Workforce Security, Division of Fiscal and Actuarial Services. For purposes of this section, "reciprocity rate" means the number of insured unemployed persons in regular unemployment insurance programs as a percent of the total unemployed persons. The commissioner shall report findings, including any recommendations to improve the unemployment insurance reciprocity rate, to the Joint Standing Committee on Labor by January 15, 2010. The Joint Standing Committee on Labor is authorized to introduce any legislation in response to this report to the Second Regular Session of the 124th Legislature.

Effective September 12, 2009