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An Act To Amend the Definition of Employment for Purposes of Unemployment Compensation

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

Sec. 1. 26 MRSA §1043, sub-§11, ¶E, as amended by PL 1979, c. 651, §45, is further amended to read:

E. Services performed by an individual for remuneration ~~shall be~~ for a total of no less than 16 hours ~~are~~ deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the bureau that:

- (1) Such individual has been and will continue to be free from control or direction over the performance of such services, both under ~~his~~ the individual's contract of service and in fact;
- (2) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and
- (3) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

SUMMARY

Under current law, an employment relationship exists and unemployment insurance coverage is required unless all three parts of the so-called "ABC test" can be demonstrated. This bill limits application of the ABC test to situations in which the individual has performed services for a total of no less than 16 hours.