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An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974

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

Sec. 1. 26 MRSA §1191, sub-§3, as amended by PL 1991, c. 193, §3, is further amended to read:

3. Weekly benefit for partial unemployment. Each eligible individual who is partially unemployed in any week must be paid a partial benefit for that week. The partial benefit is equal to the weekly benefit amount less the individual's weekly earnings in excess of \$25. ~~Any amount received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances or any amounts received as a volunteer firefighter, as a volunteer emergency medical services person or as elected members of the Legislature, is not considered wages for the purpose of this subsection.~~ The following amounts are not considered wages for purposes of this subsection:

- A. Amounts received from the Federal Government by a member of the National Guard and organized reserve, including base pay and allowances;
- B. Amounts received as a volunteer firefighter or as a volunteer emergency medical services person;
- C. Amounts received as an elected member of the Legislature; and
- D. Earnings for the week received as a result of participation in full-time training under the United States Trade Act of 1974 as amended by the United States Trade and Globalization Adjustment Assistance Act of 2009 up to an amount equal to the individual's most recent weekly benefit amount.

Sec. 2. 26 MRSA §1192, sub-§6-A, as enacted by PL 1981, c. 548, §2, is amended 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 ~~hethe individual is~~ in training approved under 19 United States Code, Section 2296(a) or under any amendment or addition to 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, ~~shallmay~~ not be charged against the experience rating record of any employer but ~~shall~~ must 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.

SUMMARY

This bill makes statutory changes to reflect amendments to the United States Trade Act of 1974 made by the United States Trade and Globalization Adjustment Assistance Act of 2009 and corrects a cross-reference.