



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1198

H.P. 842

House of Representatives, March 26, 2013

An Act To Protect Earned Pay

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HERBIG of Belfast.
Cosponsored by Senator PATRICK of Oxford and
Representatives: CAMPBELL of Newfield, GILBERT of Jay, HAMANN of South Portland,
MASON of Topsham, MASTRACCIO of Sanford.

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

2 **Sec. 1. 26 MRSA §1193, sub-§5**, as amended by PL 2011, c. 645, §8, is further
3 amended to read:

4 **5. Receiving remuneration.** For any week with respect to which the individual is
5 receiving, has been scheduled to receive or has received remuneration in the form of:

6 A. Dismissal wages, wages in lieu of notice, or terminal pay ~~or holiday pay~~; or

7 ~~A-1. Any vacation pay in an amount exceeding the equivalent of 4 weeks' wages for~~
8 ~~that individual; or~~

9 B. Benefits under the unemployment compensation or employment security law of
10 any state or similar law of the United States.

11 If the remuneration under paragraph A is less than the benefits that would otherwise be
12 due under this chapter, the individual is entitled to receive for that week, if otherwise
13 eligible, benefits reduced by the amount of the remuneration, rounded to the nearest
14 lower full dollar amount. ~~Earned vacation pay that is paid to the individual prior to the~~
15 ~~individual's being notified orally or in writing by the employer of the employer's intent to~~
16 ~~sever the employment relationship is not considered remuneration for purposes of this~~
17 ~~subsection;~~

18 **SUMMARY**

19 Under the current law, a person who receives or is scheduled to receive remuneration
20 in the form of vacation pay in excess of 4 weeks' wages or holiday pay is disqualified
21 from receiving unemployment benefits for the week that remuneration is due. This bill
22 removes those disqualifications.