

APPROVED
MARCH 10, 2014
BY GOVERNOR

CHAPTER
474
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FOURTEEN

S.P. 663 - L.D. 1668

**An Act To Expedite Training Waiver Decisions for Unemployment
Claimants by Transferring Original Jurisdiction from the Unemployment
Insurance Commission to the Bureau of Unemployment Compensation**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the number of applications for training waivers to the Maine Unemployment Insurance Commission has increased dramatically in 2013 because the only path for many citizens to receive their unemployment benefits requires their participation in commission-approved training; and

Whereas, the commission does not possess adequate staff to efficiently process both the training waiver case load and its normal case load despite the use of mechanisms such as overtime; and

Whereas, training waiver cases are inherently time-sensitive because claimants rely upon their unemployment benefits to pay for necessities of daily living, such as food, medicine and shelter, and failure to quickly process training waiver cases can result in citizens' having inadequate funds for these critical items; and

Whereas, the backlog of training waiver cases has increased substantially since submission of this legislation; and

Whereas, if this legislation is not enacted as an emergency, the backlog of training waiver cases will increase and adversely affect even more unemployment claimants; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 26 MRSA §1192, sub-§6, as amended by PL 1991, c. 870, §3, is further amended to read:

6. Approved training. Notwithstanding any other provisions of this chapter, any otherwise eligible claimant in training, as approved for the claimant by the ~~commission~~ deputy, under rules adopted by the commission with the advice and consent of the commissioner, may not be denied benefits for any week with respect to subsection 3, relating to availability and the work search requirement or the provisions of section 1193, subsection 3. Enrollment in a degree-granting program may not be the sole cause for denial of approved training status for an otherwise eligible claimant. Benefits paid to any eligible claimant while in approved training, for which, except for this subsection, the claimant could be disqualified under section 1193, subsection 3, may not be charged against the experience rating record of any employer but must be charged to the General Fund. For purposes of this subsection, "the deputy" means a representative from the bureau designated by the commissioner.

Sec. 2. 26 MRSA §1192, sub-§6-C, as repealed and replaced by PL 1989, c. 502, Pt. A, §109, is amended to read:

6-C. Prohibition against disqualification of individuals in approved training under section 1196. Notwithstanding any other provision of this chapter, no otherwise eligible individual may be denied benefits for any week because that individual is in training as approved by the ~~commission~~ deputy, under rules adopted by the commission with the advice and consent of the commissioner, nor may that individual be denied benefits by reason of leaving work to enter that training, ~~provided that~~ as long as the work left is not suitable employment.

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, and "the deputy" means a representative from the bureau designated by the commissioner.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.