

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 145

S.P. 51

In Senate, January 13, 2005

An Act Concerning Appeal Rights under the Maine Enterprise Option Program

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.
Cosponsored by Representative SMITH of Van Buren and
Senators: DIAMOND of Cumberland, PERRY of Penobscot, SNOWE-MELLO of
Androscoggin, Representatives: BURNS of Berwick, HANLEY of Gardiner, MILLS of
Farmington, SMITH of Monmouth, WATSON of Bath.

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

4 **Sec. 1. 26 MRSA §1197, sub-§8-B, ¶B-1** is enacted to read:

6 B-1. A person aggrieved by the decision of the hearing
8 officer may appeal to the commission by filing an appeal in
10 accordance with rules established by the commission as long
as the appealing party participated in the hearing by that
hearing officer and was given notice of the effect of the
failure to participate in writing prior to the hearing.

12 **Sec. 2. 26 MRSA §1197, sub-§8-B, ¶C.** as enacted by PL 1997, c.
14 130, §2, is amended to read:

16 C. A person aggrieved by the decision of the ~~hearing~~
18 ~~officer~~ commission may appeal by commencing an action
20 pursuant to Title 5, chapter 375, subchapter ~~VII~~ 7. The
Commissioner of Labor must be made a defendant in any such
appeal.

22 **SUMMARY**

24 Current law pertaining to the Maine Enterprise Option
26 program only references the ability for someone to appeal
eligibility decisions to the Department of Labor, Division of
28 Administrative Hearings; no 2nd level of appeal is afforded,
which is different from all other unemployment programs under
30 Maine law. This bill permits the individual to file an appeal to
the Maine Unemployment Insurance Commission if there is
32 disagreement with a decision rendered by the Division of
Administrative Hearings. This makes appeal rights under the
34 Maine Enterprise Option program consistent with that afforded to
all other unemployment insurance programs under the law.