

# MAINE STATE LEGISLATURE

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Maine Employment Security Commission

INTER-OFFICE MEMORANDUM

Date: March 7, 1967

To: Roy U. Sinclair, Chairman

Office: \_\_\_\_\_

From: Milton L. Bradford, Assistant Attorney General

Office: \_\_\_\_\_

Subject: Your Memorandum of March 6, 1967. Quarterly Reporting of Wages

**FACTS:** The memorandum requests a legal opinion regarding the following question:

**QUESTION:** "Does the Commission have the right or the power to adopt a regulation limiting the amount of wages reported in each quarter for benefit purposes?"

**ANSWER:** Yes, if the rights of any individual who may claim benefits are fully protected.

**OPINION:** It is my understanding that "limiting the amount of wages reported" has reference to wages paid to individuals, as contrasted with the over all amount of wages which might be paid by an employing unit in a given quarter. Section 1082, 2 of the Maine Employment Security Law gives the Commission general authority to make, amend or rescind reasonable regulations as needed by said Law, in the manner provided therein.

Section 1082, 13 of said law specifically authorizes the Commission to prescribe regulations relative to the filing of payroll reports, and it would appear that your question arises in connection with this section.

Section 1191 of the law deals with payment of benefits, and sets up a formula for maximum weekly benefit amount (subsection 2) and the maximum amount of benefits an individual may draw in any one benefit year (subsection 4).

The maximum weekly benefit amount is 1/25 of wages earned in the high quarter of his base period (rounded to the nearest dollar) but not to exceed 50% of the annual average weekly wage (rounded to the nearest dollar) as defined in Section 1043, subsection 5, paragraph A of the law.

The maximum which may be drawn in a benefit year shall not exceed 26 times an individual's weekly benefit amount or 33 1/3% (rounded to the nearest dollar) of the total wages paid to him during his base period.

It is my opinion that a regulation permitting reporting for each calendar quarter (even though less than actual earnings) of a wage figure for an individual which would allow payment of the maximum benefits under the formula set forth in the law, would be a reasonable regulation, which would fulfill the needs of the law for the purposes involved.

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cc - Mr. Cote  
Mr. George