

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

COMMITTEE AMENDMENT "A " to H.P. 811, L.D. 973, Bill,
"AN ACT Amending the Employment Security Law."

Amend said Bill by inserting after the enacting clause
the following:

'Sec. 1. 26 MRSA §1043, sub-§11, ¶F, sub-¶ (2) last
sentence, is amended to read:

If this State shall not be certified for any year by the
Secretary of Labor under section 3304 of the Federal Internal
Revenue Code, the payments required of such instrumentalities
with respect to such year shall be refunded by the commission
from the fund in the same manner and within the same period as
is provided in section ~~1223~~ 1225, subsection 5, with respect
to contributions erroneously collected;

Sec. 2. 26 MRSA §1051, sub-§4 is amended to read:

4. Nondisclosure or misrepresentation to receive benefits.
Any person who, by reason of the nondisclosure or misrepresenta-
tion by him or by another, of a material fact, and such non-

disclosure or misrepresentation was known to him or ought to have been known by him to be fraudulent, has received any such benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commission either be liable to have such sum deducted from any future benefits payable to him under this chapter or shall be liable to repay to the commission for the Unemployment Compensation Fund, a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in section ~~1223~~-~~subsection-3-~~ 1229, for the collection of past due contributions.

Sec. 3. 26 MRSA §1161, sub-§3, 2nd sentence, is amended to read:

Refunds payable pursuant to section 1043, subsection 11, paragraph F, subparagraph (2) or section ~~1223~~ 1225 may be paid from the clearing account or the benefit account upon warrants prepared by the commission and signed by the State Controller.

Sec. 4. 26 MRSA §1162, first sentence, is amended to read:

Moneys shall be requisitioned from the state's account in the Unemployment Trust Fund solely for the payment of benefits and for the payment of refunds pursuant to section 1043, subsection 11, paragraph F, subparagraph (2) and section ~~1223~~ 1225 in accordance with regulations prescribed by the commission.

Sec. 5. 26 MRSA §1221, sub-§11, ¶E, as enacted by PL 1 c. 538, §42, is amended to read:

E. Past-due payments of amounts in lieu of contributions shall be subject to the same interest, penalties and collection provisions that, pursuant to section ~~1223, subsections 1, 2, 3 and~~ 1225, subsection 4, sections 1229, 1230 and 1231 apply to past-due contributions.

Sec. 6. 26 MRSA §1221, sub-§11, ¶F, last sentence, as enacted by PL 1971, c. 538, §42, is amended to read:

Any such redetermination shall be conclusive on the employer unless, not later than 15 days after the redetermination was mailed to his last known address, the employer files an appeal in accordance with section ~~1223~~ 1226, subsection ~~8~~ 2.

Sec. 7. 26 MRSA §1221, sub-§11, ¶G, as enacted by PL 1973, c. 555, §19, is amended to read:

G. Refunds of payments in lieu of contributions or interest thereon shall be subject to the same provision that, pursuant to section ~~1223~~ 1225, subsection 5, applies to refunds of contributions or interest thereon.'

Further

/amend said Bill by striking out all of section 1 and inserting in place thereof the following:

'Sec. 8. 26 MRSA §1223, as last amended by PL 1973, c. 555, §20, is repealed.

Further amend said Bill in section 2 by inserting at the end of that part designated "§1225." the following new subsection :

5. Refunds. If not later than 4 years after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and if the commission shall determine that such contributions, or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the commission shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commission's own initiative. Any such adjustment or refund, involving contributions with respect to wages upon the basis of which benefits have been paid for unemployment, shall be reduced by

the amount of benefits so paid. If the commission determines that contributions or interest were erroneously paid to this State on wages insured under the employment security law of some other state or of the Federal Government, refund or adjustment thereof may be made without interest, irrespective of the time limits provided in this subsection, on satisfactory proof that contributions or interest on such wages have been paid to such other state or to the Federal Government. Nothing in this chapter, or any part thereof, shall be construed to authorize any refund or credit of money due and payable under the law and regulation in effect at the time such money was paid.'

Further amend said Bill in section 2 in that part designated "§1226." by striking out in the 3rd line of paragraph A of subsection 1 (2nd line of L.D.) the underlined word "rules" and inserting in place thereof the underlined word 'regulations'

Further amend said Bill in section 2 in that part designated "§1226." by striking out in the 6th line of paragraph B of subsection 1 (5th line of L.D.) the underlined word "rules" and inserting in place thereof the underlined word 'regulations'

Further amend said Bill in section 2 by adding at the end of paragraph B of subsection 1 of that part designated "§1226." the following: 'Such decision shall be final unless within 15 days after the mailing of notice thereof to a party's last known address or, in the absence of such mailing, within 15 days after the delivery of such notice, an appeal is

initiated by such party pursuant to subsection 2, paragraph A.'

Further amend said Bill in section 2 in that part designated "§1226." by striking out in the first and 2nd lines of paragraph A of subsection 2 (first line of L.D.) the underlined words "Within 15 days after the decision of the commission has become final" and inserting in place thereof the underlined words 'Within the time provided in subsection 1, paragraph B'

Further amend said Bill in section 2 in that part designated "§1230." by inserting in the 4th line of subsection 3 (3rd line of L.D.) before the underlined word "filing" the underlined word 'said'

Further amend said Bill by renumbering section 2 to be section 9.

Statement of Fact

The purpose of this amendment is to correct technical errors in the bill.

Reported by the Committee on Labor.

Reproduced and distributed under the direction of the Clerk of the House.

5/30/75

(Filing No. H-545)