

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2210

S. P. 691

In Senate, February 12, 1976

Referred to the Committee on Labor. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Berry of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT to Amend the Employment Security Law.

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

Sec. 1. 26 MRSA § 1043, sub-§ 24, as enacted by PL 1965, c. 381, § 6, is repealed and the following enacted in place thereof:

24. Insured worker. An "insured worker" is an individual who has been paid wages of at least \$250 for insured work in each of 2 different quarters in his base period and has been paid total wages of at least \$900 in his base period for insured work.

Sec. 2. 26 MRSA § 1194, sub-§ 2, last 2 paragraphs, as enacted by PL 1975, c. 227, are repealed and the following enacted in place thereof:

If an employer's separation report for an employee is not received by the office specified thereon within 10 days after such report was requested, the claim shall be adjudicated on the basis of information at hand. If the employer's separation report containing possible disqualifying information is received after that 10-day period and the claimant is denied benefits, benefits paid prior to the date such separation report was received shall not constitute an overpayment of benefits. Any benefits paid after the date such separation report was received shall constitute an overpayment.

If an employer files an amended separation report or otherwise raises a new issue as to the employee's eligibility or changes the wages or weeks used in determining benefits which results in a denial of benefits or a reduction of the weekly benefit amount, the benefits paid prior to the date the amended separation report was received or the new issue was raised shall not constitute

an overpayment. Any benefits received after such date to which the claimant is not entitled pursuant to a new determination based on such new employer information shall constitute an overpayment.

STATEMENT OF FACT

The purpose of this bill is to amend the definition of "insured worker" consistent with section 1192, subsection 5 of the Employment Security Law as amended by PL 1975, chapter 568, section 3. It also amends Title 26, section 1194, subsection 2 as amended by PL 1975, chapter 227 which is inconsistent with federal requirements. It is the responsibility of the agency to take the initiative in the discovery of information to determine an individual's right to benefits. This responsibility may not be passed on to the claimant or to the employer. Section 1194, subsection 2, now provides for payment of benefits if no separation report is received from the employer.