

MAINE STATE LEGISLATURE

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S.
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L.D. 2103
(Filing No. S-532)

STATE OF MAINE
SENATE
108TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT^A "to S.P. 683, L.D. 2103, Bill, "AN ACT
to Clarify the Administration of the Department of Manpower Affairs."

Amend the bill by striking out everything after the enacting
clause and inserting in its place the following:

'Sec. 1. 2 MRSA §7, sub-§2, as last repealed and replaced by
Pt.
P&SL 1975, c. 147, C, §4, is amended to read:

2. Regulatory boards. Notwithstanding section 6 or any other
provision of law, the salaries of the listed chairmen and of members
of the following regulatory boards shall be:

<u>Maine</u>	
/ <u>Employment Security Commission</u>	
Chairman.....	\$23,000;
Members other than chairman.....	20,475;
Industrial Accident Commission	
Chairman.....	20,475;
Members other than Chairman.....	18,900;
Public Utilities Commission	
Chairman.....	22,050;
Members other than Chairman.....	18,900;

Sec. 2. 26 MRSA §1043, sub-§7-A is enacted to read:

7-A. Commissioner. "Commissioner" means the Commissioner of
Manpower Affairs.

Sec. 3. 26 M.R.S.A. §1081, sub-§1, as last amended by PL 1975, c. 177, §285, is repealed and the following enacted in its place:

§ 1081. Administrative organization

1. Commission. The Maine Employment Security Commission, as heretofore created, shall consist of 3 members, one of whom shall be a representative of labor, one of whom shall be a representative of employers, and one of whom shall be a representative of the general public who shall be impartial and shall be the chairman of the commission. Except as provided in ————— > this subsection, the (three) members and their successors shall be appointed by the Governor, subject to review by the Joint Standing Committee on Labor and to confirmation by the Senate, to hold office for a term of 6 years or until a successor has been duly appointed and qualified, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term. During his term of membership on the commission, a member shall not engage in any other business, vocation or employment, nor serve as an officer or committee member of any political organization.

← Of the 3 members first appointed, the labor representative shall be appointed for a term of 2 years; the employer representative for a term of 4 years; and the public member for a term of 6 years, except that, until the public member takes office, the Commissioner of Manpower Affairs shall serve in his stead.

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Sec. 4. 26 MRSA §1081, sub-§2, as last amended by PL 1971, c. 620, §3, is further amended to read:

2. Salaries. The ~~Commissioner of Manpower Affairs and other~~ members of the commission ~~(Employment Security)~~ shall receive a fixed weekly salary in accordance with Title 2, section 7, and shall be paid from the Employment Security Administration Fund.

Sec. 5. 26 MRSA §1081, sub-§3, as last amended by PL 1975, c. 771, §285, is further amended to read:

3. Quorum. Any 2 ~~commissioners~~ members of the commission shall constitute a quorum. Whenever the commission hears any case involving a disputed claim for benefits under this chapter, the ~~Commissioner of Manpower Affairs~~ chairman shall act alone in the absence or disqualification of any other member, provided that in the event of illness or extended absence on the part of the ~~Commissioner of Manpower Affairs~~ chairman or in the event of a vacancy in that position, the remaining members may act on appeals and conduct hearings and render a decision, provided both members agree. Except as otherwise provided, no vacancy shall impair the right of the remaining ~~commissioners~~ members to exercise all of the powers of the commission. Any action, decision, order, rule or recommendation which is required by law to be made by the Maine Employment Security Commission shall not be made until the commission has held a meeting in the regular course of its business for which all members have been provided with reasonable notice of the meeting and its agenda.

Sec. 6. 26 MRSA §1082, sub-§1, as amended by PL 1971, c. 620, §6, is repealed and the following enacted in its place:

1. Duties and powers. Except as otherwise provided, it shall be the duty of the commissioner to administer this chapter. The commission shall have the power and authority to adopt, amend or rescind rules, make expenditures from the Unemployment Compensation Fund, require reports, make investigations and take other actions as it deems necessary or suitable to that end. The commission shall determine its organization and shall have an official seal which shall be judicially noticed. The procedures of the commissioner and commission shall be governed by the Maine Administrative Procedure Act. Not later than the first day of May of each year, the commission shall submit to the Governor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendments to this chapter as it deems proper. The report shall include a balance sheet of the moneys in the Unemployment Compensation Fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity and other relevant factors for the longest possible period. Whenever the commission believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so inform the Governor and the Legislature and make recommendations with respect thereto.

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Sec. 7. 26 MRSA §1082, sub-§2, is repealed and the following enacted in its place:

2. Regulations. The commissioner, ^{with the advice and consent of the} commission, shall make, amend or rescind rules as required by this chapter.

Sec. 8. 26 MRSA §1082, sub-§4, as last amended by PL 1975, c. 771, §286, is repealed and the following enacted in its place:

4. Personnel. Subject to other provisions of this chapter, the Commissioner of Manpower Affairs, ^{with the advice and consent of the commissio} is authorized to appoint and prescribe the duties and powers of, and fix the compensation of, such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of his duties, subject to the Personnel Law. The commissioner ^{with the advice and consent of the commissio} may delegate to any such person so appointed such power and authority as is reasonable and proper for the effective administration of this chapter, and may in his discretion bond any person handling moneys or signing checks hereunder. On request of the commissioner, the Attorney General shall represent the department, the Maine Employment Security Commission and the State in any court action relating to this chapter or to its administration and enforcement. Special counsel may be retained by the commissioner in accordance with Title 5, section 196, whose service and expenses shall be paid from the funds provided for the administration of this chapter. The commissioner shall not employ or pay any person who is an officer or committee member of any political party organization.

Sec. 9. 26 MRSA §1082, sub-§5, 2nd sentence, is amended to read:

Such council shall meet no less than 4 times a year and shall aid the ~~commission~~ commissioner in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems.

Sec. 10. 26 MRSA §1082, sub-§11, is amended to read:

11. State-federal cooperation. In the administration of this chapter, the ~~commission~~ commissioner ↗

shall cooperate to the fullest extent consistent with this chapter with the Department of Labor; shall make such reports, in such form and containing such information as the Secretary of Labor may from time to time require, and shall comply with such provisions as the Secretary of Labor may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations of the Secretary of Labor governing the expenditure of such sums as may be allotted and paid to this State under Title III of the Social Security Act for the purpose of assisting in the administration of this chapter. Upon request therefor, the ~~commission~~ Commissioner shall furnish to any agency of the United States, charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter. The ~~commission~~ Commissioner may make

the State's records relating to the administration of this chapter available to the Railroad Retirement Board and may furnish the Railroad Retirement Board, at the expense of such board, such copies thereof as the Railroad Retirement Board deems necessary for its purposes. The ~~commission~~ Commissioner may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law or employment security law.

Sec. 11. 26 MRSA §1082, sub-§12, as amended by PL 1971,

c. 538, §18, is further amended to read:

12. Reciprocal benefit arrangements. The ~~commission~~ Commissioner shall participate in any arrangements with the appropriate agencies of other states or the Federal Government for the payment of benefits on the basis of combining an individual's wages and employment covered under this chapter and his wages and employment covered under the unemployment compensation or employment security laws of other states which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under 2 or more state unemployment compensation laws, and avoiding the duplicate use of wages and employment by reason of such combining. The ~~commission~~ Commissioner shall reimburse such state

or federal agency for such benefits as may be paid by that agency upon the basis of wages received in employment subject to this chapter or shall receive from such state or federal agency such amounts as may be paid from the fund upon the basis of wages received in employment subject to the laws of such state or of the Federal Government.

The ~~commission~~ Commissioner is authorized to enter into reciprocal agreements with the appropriate agencies of other states or the Federal Government adjusting the collection and payment of contributions by employers with respect to services of individuals not performed wholly within the jurisdiction of this State whereby such services may be agreed upon to be considered for all purposes, if the ~~commission~~ Commissioner so desires, as wholly within, or wholly without, the jurisdiction of this State, notwithstanding any provisions of section 1043, subsection 11.

The ~~commission~~ Commissioner is authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this chapter as it deems necessary or appropriate to facilitate the administration or any unemployment compensation, employment security or public employment service law, and in like manner, to accept and utilize information, services and facilities made available to this State by any agency charged with the administration of any such other unemployment compensation, employment security or public employment service law. To the extent permissible under the laws and Constitution of the United States, the ~~commission~~ Commissioner is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation or employment security laws of any foreign govern-

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ment, may be utilized for the taking of claims and the payment of benefits under this chapter, or under a similar law of such government. On request of any agency which administers an employment security law of another state, and which has found in accordance with such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact with respect to a claim taken in this State as an agent for such agency, the ~~commission~~ Commissioner may collect from such claimant the amount of such benefits to be refunded to such agency.

In any case in which under this subsection a claimant is liable to repay any amount to the agency of another state, such amounts may be collected without interest by civil action in the name of the ~~commission~~ Commissioner acting as agent for such agency.

The commission shall cooperate with the commissioner to the extent necessary to accomplish the purpose of this subsection.

Sec. 12. 26 MRS §1083, sub-§1, is amended to read:

1. State employment service. The ~~commission~~ Commissioner shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this chapter and for the purpose of performing such duties as are within the purview of the "Wagner-Peyser Act." It shall be the duty of the ~~commission~~ Commissioner to cooperate with any official or agency of the United States having powers or duties under the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended,

in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are accepted by this State, in conformity with section 4 of said Act, and this State will observe and comply with the requirements thereof. The ~~commission~~ Department of Manpower Affairs

is designated and constituted the agency of this State for the purpose of said Act. The ~~commission~~ Commissioner may cooperate with or enter into agreements with the Railroad Retirement Board with respect to the establishment, maintenance and use of free employment service facilities.

Sec. 13. 26 MRSA §1083, sub-§2, is amended to read:

2. Financing. All moneys received by this State under the said Act of Congress, as amended, shall be paid into the Employment Security Administration Fund, and said moneys are made available to the ~~commission~~ Commissioner to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the ~~commission~~ Commissioner is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment compensation law or employment security law, with any political subdivision of this State or with any private, nonprofit organization, and as a part of any such agreement the ~~commission~~ Commissioner may accept moneys, services or quarters as a contribution to the Employment Security Administration Fund.

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Sec. 14. 26 MRSA §1141, first sentence, is amended to read:

The Unemployment Compensation Fund, as heretofore created, shall be a special fund, separate and apart from all public moneys and or funds of this State/except as otherwise provided in section 1162, shall be administered by the ~~commission~~ commissioner exclusively for the purposes of this chapter.

Sec. 15. 26 MRSA §1161, as last amended by PL 1975, c. 770, §121, is further amended to read:

§ 1161. Accounts and deposit

The Treasurer of State shall be the ex officio treasurer and custodian of the Unemployment Compensation Fund and shall administer such fund in accordance with the directions of the ~~commission~~ Commissioner. The Treasurer of State shall maintain within the fund three separate accounts:

- 1. Clearing account. A clearing account;
- 2. Trust fund account. An unemployment trust fund account;
- and
- 3. Benefit account. A benefit account.

All moneys payable to the fund, upon receipt thereof by the ~~commission~~ Commissioner, shall be forwarded to the Treasurer of State who shall immediately deposit them in the clearing account. Refunds payable pursuant to section 1043, subsection 11, paragraph F, subparagraph (2) or section 1225 may be paid from the clearing account or the benefit account upon warrants prepared by the ~~commission~~ Commissioner and signed by the State Controller.

After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the Unemployment Trust Fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this State relating to the deposit, administration, release or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this State's account in the Unemployment Trust Fund.

Except as otherwise provided, moneys in the clearing and benefit accounts may be deposited by the Treasurer of State, under the direction of the ~~commission~~ Commissioner, in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

The Governor has been and is hereby authorized to apply for advances to the account of this State in the Unemployment Trust Fund in accordance with the provisions of Title XII of the Social Security Act, 42 U.S.C.A. §1321, as amended, or under any other Act of Congress extending such authority, in order to secure to this State and its citizens the advantages available under the provisions of Title XII of the Social Security Act.

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Sec. 16. 26 MRSA §1163, 2nd and 5th sentences are amended

to read:

If and when such Unemployment Trust Fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties or securities therein, belonging to the Unemployment Compensation Fund of this State shall be transferred to the treasurer of the Unemployment Compensation Fund, who shall hold, invest, transfer, sell, deposit and release such moneys, properties or securities in a manner approved by the ~~commission~~ Commissioner in accordance with this chapter.

The Treasurer of State shall dispose of securities or other properties belonging to the Unemployment Compensation Fund only under the direction of the ~~commission~~ Commissioner.

Sec. 17. 26 MRSA §1164 is amended to read:

§1164. Special Administrative Expense Fund

The Special Administrative Expense Fund, as heretofore created, shall be a special fund in the State Treasury. All interest, fines and penalties collected under this chapter, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. Said moneys shall not be expended or available for expenditure in any manner which would permit their substitution for or a corresponding reduction in federal funds which would in the absence of said moneys be available to finance expenditures for the administration of the Employment Security Law. Nothing in this section shall prevent said moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The moneys in this fund shall be used by the ~~commission~~ Commissioner for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the Employment Security Administration Fund on or after January 1, 1943. Such moneys shall be available either to satisfy the obligations incurred by the ~~commission~~ Employment Security Commission directly or by requesting the Treasurer of State to transfer the required amount from the Special Administrative Expense Fund to the Employment Security Administration Fund. The Treasurer of State shall upon receipt of a written request of the ~~commission~~ Commissioner make any such transfer. No expenditure of this fund or transfer shall be made unless and until the commission by resolution duly entered in its minutes finds that no other funds are available or can properly be used to finance such expenditures. The ~~commission~~ Commissioner

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shall order the transfer of such funds or the payment of any such obligation and such funds shall be paid by the Treasurer of State on requisitions drawn by the ~~commission~~ Commissioner directing the State Controller to issue his warrant therefor. Any such warrant shall be drawn by the State Controller based upon bills of particulars and vouchers certified by an officer or employee designated by the ~~commission~~ Commissioner. Such certification shall among other things include a duly certified copy of the resolution of the commission. The moneys in this fund are specifically made available to replace, within a reasonable time, any moneys received by this State pursuant to section 302 of the Federal Social Security Act as amended, which because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those necessary for the proper administration of the Employment Security Law. The moneys in this fund shall be continuously available to the ~~commission~~ Commissioner for expenditure in accordance with this section and shall not lapse at any time or be transferred to any other fund except as provided. Any moneys in the Special Administrative Expense Fund may be used to make refunds of interest, penalties or fines erroneously collected and deposited in the Special Administrative Expense Fund. On June 30th of each year all moneys in excess of \$1,000 in this fund shall be transferred to the Unemployment Compensation Fund.

Sec. 18. 26 MRSA §1195, sub-§1, ¶G, as repealed and replaced by PL 1975, c. 299, §1, is amended to read:

G. Rate of insured unemployment. "Rate of insured unemployment" for purposes of paragraphs H and I means the percentage derived by dividing the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the ~~commission~~ Commissioner on the basis of its reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period. Computations required by this paragraph shall be made by the ~~commission~~ Commissioner, in accordance with regulations prescribed by the United States Secretary of Labor.

Sec. 19. 26 MRSA §1195, sub-§1, ¶H, as enacted by PL 1971, c. 119, is amended to read:

H. State "off" indicator. There is a "state 'off' indicator" for this State for a week if the ~~commission~~ Commissioner determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment, not seasonally adjusted, under this chapter:

- (1) Was less than 120% of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, or
- (2) Was less than 4%.

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Sec. 20. 26 MRSa §1195, sub-§1, ¶I, as enacted by PL 1971, c. 119, is amended to read:

I. State "on" indicator. There is a "state 'on' indicator" for this State for a week if the ~~commission~~ Commissioner determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment, not seasonally adjusted, under this chapter:

- (1) Equaled or exceeded 120% of the average of such rates for the corresponding 13-week period ending in each of the preceeding 2 calendar years; and
- (2) Equaled or exceeded 4%.

Sec. 21. 26 MRSa §1195, sub-§7, as enacted by PL 1971, c. 119, is amended to read:

7. Beginning and termination of extended benefit period.

Whenever an extended benefit period is to become effective in this State, or in all states, as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in this State as a result of a state "off" indicator or state and national "off" indicators, the ~~commission~~ Commissioner shall make an appropriate public announcement.

Sec. 22. 26 MRSA §1195, sub-§8, as enacted by PL 1971, c. 119, is amended to read:

8. Administration. In the administration of the provisions of this section which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the ~~commission~~ Commissioner shall take such action as may be necessary to ensure that the provisions are so interpreted and applied as to meet the requirements of such Federal Act as interpreted by the United States Department of Labor, and to secure to this State the full reimbursement of the federal share of extended and regular benefits paid under this chapter that are reimbursable under the Federal Act.

Sec. 23. 26 MRSA §1221, sub-§3, ¶A, first sentence, is amended to read:

A. At the time the status of an employing unit is ascertained to be that of an employer, the ~~commission~~ Commissioner shall establish and thereafter maintain until such employer status is terminated, for each such employer an "experience rating record" to which shall be credited all the contributions which he the employer thereafter pays on his own behalf.

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Sec. 24. 26 MRSA §1221, sub-§3, ¶B, is amended to read:

B. The ~~commission~~ commissioner shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their "experience rating records" and shall submit in its annual report to the Governor, the results of the actual experience in payment of contributions on behalf of the individual employers and with respect to benefits charged to their "experience rating records" together with the recommendations relative to the advisability of the continuance of the rates based on benefit experience.

Sec. 25. 26 MRSA §1221, sub-§4, first sentence, as repealed and replaced by PL 1973, c. 563, §1, is amended to read:
The ~~commission~~ commissioner shall compute annually contribution rates for each employer based on his own experience rating record and shall designate a contribution rate schedule.

Sec. 26. 26 MRSA §1221, sub-§7 is amended to read:

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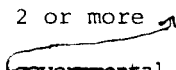
7. Period of time to compute rates. The ~~commission~~ commissioner shall have from January 1st to June 30th of each calendar year for the purpose of computing the rates of each employer entitled to the benefits of this section.

Sec. 27. 26 MRSA §1221, sub-§9 is amended to read:

9. Contributions paid in error to another state. Contributions due under this chapter with respect to wages for insured work shall for the purpose of this section be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal employment security law if payment into the fund of such contributions is made on such terms as the ~~commission~~ Commissioner finds will be fair and reasonable as to all affected interests. Payments to the fund under this subsection shall be deemed to be contributions for purposes of this section.

Sec. 28. 26 MRSA §1221, sub-§15, as amended by PL 1977,

c. 570, §36, is amended to read:

15. Group accounts. Two or more nonprofit organizations or 2 or more  governmental entities that have become liable for payments in lieu of contributions, in accordance with subsections 10 and 13, may file a joint application to the ~~commission~~ Commissioner for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers or governmental entities. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon approval of the application, the ~~commission~~ Commissioner shall establish a group account for such employers or governmental entities effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than 2 years and thereafter until terminated at the discretion of the ~~commission~~ Commissioner or upon application by the group.

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Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The ~~commission~~ Commissioner shall prescribe such regulations as ^{it he} ~~it~~ ^{he} deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subsection, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subsection by members of the group and the time and manner of such payments.

Sec. 29. 26 MRSA §1401, as last amended by PL 1975, c. 771, §289, is further amended by inserting after the first paragraph the following new paragraph:

The Commissioner of Manpower Affairs shall receive a fixed weekly salary in accordance with Title 2, section 6, and shall be paid from the administrative funds of the ^{Maine} Employment Security Commission, the Bureau of Labor and from other program administrative funds which he is authorized by statute to administer.

Sec. 30. 26 MRSA §1401, 2nd ¶, first sentence, as enacted by PL 1971, c. 620, §12, is repealed.

Sec. 31. Transitional provisions. All existing rules and regulations of the commission currently in effect and operation on the effective date of this Act shall continue in effect until rescinded, amended or changed according to law.

All funds, equipment, property and records of the commission shall remain in custody and control of the Maine Employment Security Commission as required by Title 26, chapter 13.

Statement of Fact

The purpose of this amendment is to establish a new Employment Security Commission and to transfer certain administrative functions from the ~~Commission~~ to the Commissioner of Manpower Affairs, who will no longer be a member of the ~~Commission~~ under this ^{amendment.} / A section-by-section analysis follows.

Sections 1 and 4 establish salaries for the ~~Chairman~~ and members of the Employment Security Commission.

Section 2 defines "commissioner."

Section 3 authorizes the new commission, including a procedure for initial appointments to the commission.

Section 5 establishes rules for the commission's quorum.

Section 6 declares that, except as otherwise provided, it shall be the duty of the ~~Commissioner~~ to administer the employment security law. This section specifically retains as ~~Commission~~ functions the powers to adopt rules; expend from the unemployment compensation fund (other function with respect to that fund are given to the ~~Commissioner~~ below); require reports; organize itself, make investigations; and other actions required to accomplish its purpose; and report and recommend to the Governor and Legislature. The ~~Commissioner~~ and commission are to be governed by ^{Maine} the ~~Administrative~~ procedure ~~Act~~.

Section 7 authorizes the ~~Commissioner~~ and the commission to adopt rules.

Section 8 authorizes the Commissioner of Manpower Affairs to hire employees for the commission, delegate his authority, and arrange for legal counsel for the commission.

- Section 9 requires the advisory council to advise the commissioner, rather than the commission.
- Sections 10 and 11 authorize the commissioner to cooperate with other State and Federal agencies in administration of the employment security law, including provision of information and reciprocal benefit arrangements with other jurisdictions.
- Section 12 directs the Commissioner to cooperate with the commission in administering the Employment Service, including establishing employment offices and cooperating with Federal agencies.
- Section 13 authorizes the Commissioner to administer employment service funds.
- Section 14 requires the Commissioner to administer the Unemployment Compensation Fund, except that the Commission shall administer withdrawals.
- Section 15 authorizes the Commissioner to receive funds and pay out refunds in the unemployment compensation fund.
- Section 16 requires the Commissioner to approve acts taken upon discontinuance of the unemployment compensation fund and provides that he will direct the disposal of securities and properties belonging to the fund.

- Section 17 provides that the ~~Commissioner~~ instead of the commission shall use and direct the expenditure of moneys in the fund for administrative acts not chargeable to other funds in order to satisfy obligations incurred by the Employment Security Commission.
- Section 18 transfers from the commission to the ~~Commissioner~~ the determination of the rate of insured employment and requires him to make computations in accord with regulations.
- Section 19 transfers from the commission to the ~~Commissioner~~ the determination of the "state 'off' indicator."
- Section 20 transfers from the commission to the ~~Commissioner~~ the determination of "state 'on' indicator."
- Section 21 transfers from the commission to the ~~Commissioner~~ the announcement of the beginning and termination of extended benefit periods.
- Section 22 transfers from the commission to the ~~Commissioner~~ the administration of requirements of the Federal-State Extended Unemployment Compensation Act of 1970.
- Section 23 transfers from the commission to the ~~Commissioner~~ the determination of "experience rating record."
- Section 24-26 transfers from the commission to the ~~Commissioner~~ the authority to compute employee's experience rates.

- Section 27 transfers from the commission to the ~~Commissioner~~ the finding of fairness for contributions to the fund under another ~~State~~ or ~~Federal~~ employment security law.
- Section 28 transfers from the commission to the ~~Commissioner~~ the administration of non-profit organization contributions.
- Section 29 provides for a weekly salary for the ~~Commissioner~~ as determined by Title 2, section 6.
- Section 30 .. repeals a provision which made the ~~Commissioner~~ the chairman of the Employment Security Commission.
- Section 31 is a transition clause.

Reported by the Committee on State Government.

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March 10, 1978

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