

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 402

H. P. 307

House of Representatives, February 7, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**An Act to Define Employer's Rights after Failure to File a Separation Report in
Unemployment Compensation Cases.**

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

Sec. 1. 26 MRSA § 1194, sub-§ 2, 5th ¶, as repealed and replaced by PL 1975, c. 710, § 2, is amended to read:

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~~ **The employer may appeal from this decision. Any benefits paid pursuant to the decision shall not cease until and unless a reversal is made by the appeal tribunal. Any benefits received by the claimant pursuant to this decision and prior to a reversal by the appeal tribunal shall not constitute an overpayment.**

Sec. 2. 26 MRSA § 1194, sub-§ 2, 6th ¶, as last amended by PL 1975, c. 770, § 124, is repealed as follows:

~~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 determination is mailed 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 change certain provisions relating to employer's rights after failure to file a separation report in unemployment compensation cases.