

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 450

H. P. 411

House of Representatives, January 27, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Dexter of Kingfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Repeal the Double Affirmation Rule under the Employment Security Law.

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

26 MRSA § 1194, sub-§ 11, ¶ B, as enacted by PL 1971, c. 538, § 34, is repealed.

STATEMENT OF FACT

The purpose of this bill is to eliminate an inequity which exists under the Employment Security Law.

In unemployment cases both the employee or employer are entitled to 2 administrative appeals from the initial "deputy's" decision. A first appeal may be made to an "appeals tribunal." A 2nd appeal, from the appeals tribunal decision, may be made to the 3 member Employment Security Commission. Further appeals may be made to the courts.

Under the present law, however, if any 2-consecutive decisions are adverse to the employer, the employer cannot further appeal the claimant's eligibility for benefits. He may only appeal the issue of whether he will be charged with the benefits paid to the claimant. The result, therefore, is that the claimant will continue to receive benefits even if the commission or the courts later determine that the claimant was ineligible for benefits in the first instance.

No such restriction is placed on appeals by claimants. This bill eliminates the restriction on appeals by employers.