

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 728

H. P. 638

House of Representatives, February 9, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

STATE OF MAINE

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

AN ACT to Clarify and Make Consistent Appeal Procedures in the Employment Security Law.

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

Sec. 1. 26 MRSA § 1194, sub-§ 2, 4th ¶, as last amended by PL 1979, c. 113, is further amended by adding after the 2nd sentence a new sentence to read:

**Provided that no appeal may be dismissed as untimely if it is filed within 15 days of actual notification of that determination.**

Sec. 2. 26 MRSA § 1194, sub-§ 3, as last amended by PL 1971, c. 538, § 31, is further amended to read:

3. **Appeals.** Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify or set aside the findings of fact and decision of the deputy. The parties shall be then duly notified of such tribunal's decision, together with its reasons therefor, which subject to subsection 11 shall be deemed to be the final decision of the commission, unless within 15 days after the date of notification or mailing of such decision calendar days after that notification was mailed to his last known address the claimant and employer may appeal to the commission by filing an appeal in accordance with such rules as the commission shall prescribe provided that the appealing party appeared at the hearing and was given notice of the effect of the failure to appear in writing prior to the hearing. **Provided that no appeal**

**may be dismissed as untimely if it is filed within 15 days of actual notification of that determination.**

#### STATEMENT OF FACT

The unemployment compensation administrative appeal procedure is 3-tiered. The language describing when a decision becomes final at each step is inconsistent and confusing. This bill makes consistent the time within which an appeal may be made within the administrative process. It also expressly grants to the commission the flexibility to accept an appeal as timely if it is made within 15 days of actual notification of the determination being appealed. This allows for consideration of delays in mail delivery or personal difficulties interfering with the receipt of mail.