

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
110TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-332)

COMMITTEE AMENDMENT "A" to H.P. 848, L.D. 1035, Bill, "AN ACT to Clarify the Procedure for Waiver of Unemployment Compensation Benefit Overpayment."

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

'26 MRSA §1051, sub-§5, as last amended by PL 1977, c. 460, §2, is further amended to read:

5. Refusal to repay erroneous payments, waiver of repayment.  
If, after due notice, any person refuses to repay amounts erroneously paid to him as unemployment benefits, the amounts due from such that person shall be collectible in the manner provided in subsection 6 or in the discretion of the commission the amount erroneously paid to such person may be deducted from any future benefits payable to him under this chapter. Provided that there shall be no recovery of payments **from** any person who, in the judgment of at least 2 commissioners, is without fault on his part and where, in the judgment of the commission, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No recovery may be attempted until the determination of an erroneous payment is final as to law and fact and the individual has been notified of the opportunity for a waiver under this subsection.'

Statement of Fact

This amendment replaces the original bill with language requiring the department, before making collections by recoupment,

to notify the unemployed person whose benefits are to be reduced of the opportunity to seek a waiver from the commission.

Reported by the Committee on Labor.  
Reproduced and distributed under the direction of the Clerk of the House.

5/7/81

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