

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1126

H. P. 950

House of Representatives, March 5, 1981

Submitted by the Department of Manpower Affairs pursuant to Joint Rule 24.

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 Relating to the Clarification, Consistency and Improved Administration of the Employment Security Law.

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

Sec. 1. 26 MRSA § 1081, sub-§ 1, 2nd ¶, as repealed and replaced by PL 1977, c. 675, § 3, is repealed.

Sec. 2. 26 MRSA § 1194, sub-§ 10, first sentence, is amended to read:

The ~~commission~~ deputy may reconsider a determination with respect to the weekly benefit amount and maximum total amount of benefits for a claimant for any given benefit year, if ~~it~~ he finds that an error in computation or identity had occurred in connection therewith, or that wages have been erroneously reported, but no such redetermination shall be made after one year from the date of the original determination.

Sec. 3. 26 MRSA § 1194, sub-§ 10, 2nd ¶, first sentence is amended to read:

The ~~commission~~ deputy may reconsider a benefit payment for any particular week or weeks whenever ~~it~~ he finds that an error in computation or identity has occurred in connection therewith or that earnings were erroneously reported, but no such redetermination may be made after one year from the date of payment for such week or weeks.

Sec. 4. 26 MRSA § 1221, sub-§ 15, last sentence, as last amended by PL 1977, c. 675, § 28, is further amended to read:

The ~~commissioner~~ **commission** shall prescribe such regulations as ~~he~~ **it** 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. 5. 26 MRSA § 1226, sub-§ 1, ¶ B, first sentence, as last amended by PL 1979, c. 651, § 40, is further amended to read:

Upon appeal from an assessment, the commission shall, after affording the appellant and the commissioner's designated representative a reasonable opportunity for a fair hearing, make finding of facts and render its decision, which may affirm, modify or reverse the action of ~~its~~ **the** designated representative.

Sec. 6. 26 MRSA § 1226, sub-§ 1, ¶ B, as last amended by PL 1979, c. 651, § 40, is further amended by adding at the end a new sentence to read:

The commissioner shall have the right to appeal a final decision of the Maine Employment Security Commission to the Superior Court.

STATEMENT OF FACT

Section 1 repeals an expired transition section governing the first appointments to the Maine Employment Security Commission.

Sections 2 and 3 provide that a deputy making a determination of benefit amounts may reconsider that determination of payment under certain circumstances. The commission's right to reconsider a determination following action by an appeal tribunal is maintained in Title 26, section 1194, subsection 11.

Section 4 directs the commission rather than the commissioner to prescribe regulations, consistent with its responsibility for prescribing other regulations under the Employment Security Law.

Section 5 clarifies whose designated representative is involved in the assessment of contributions, interest and penalties.

Section 6 allows the commissioner to appeal final decisions of the Maine Employment Security Commission to the Superior Court. This recognizes the distinction between the commissioner's administrative responsibility and interests and the commission's adjudicative function.