

MAINE STATE LEGISLATURE

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S.
D. OF R.

1

L.D. 978

2

(Filing No. S- 101)

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STATE OF MAINE

4

SENATE

5

111TH LEGISLATURE

6

FIRST REGULAR SESSION

7

COMMITTEE AMENDMENT " A " to S.P. 333,

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L.D. 978, Bill, "AN ACT to Clarify the Administra-

9

tion of the Department of Labor."

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Amend the Bill by striking out all of section 5
(page 3, lines 1 to 23 in L.D.).

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Further amend the Bill in section 9, in subsec-
tion 1 by striking out all of the 3rd underlined sen-
tence (page 4, line 43 and page 5, lines 1 and 2 in
L.D.) and inserting in its place the following:

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'The commissioner shall be responsible and shall pos-
sess the necessary authority for the operation and
management of the Bureau of Employment Security. The
commissioner may adopt rules in accordance with the
Maine Administrative Procedure Act, Title 5, chapter
375, to achieve this purpose, except rules pertaining
to unemployment insurance as provided in subsection
2.'

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Further amend the Bill in section 10 by striking
out all of subsection 2 and inserting in its place
the following:

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'2. Powers and duties. In addition to other
powers and duties provided in this chapter, the com-
mission, by majority vote and with the advice of the
commissioner, may adopt or rescind rules with respect
to unemployment insurance in accordance with the
Maine Administrative Procedure Act, Title 5, chapter
375. The commission may require reports, make inves-
tigations and undertake other activities necessary to
carry out the duties of the commission. Each member
of the commission shall have access to any informa-
tion, memoranda, reports or statistical data which is

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COMMITTEE AMENDMENT "A" to S.P. 333, L.D. 978

1 in the possession of or which has been prepared by
 2 any division of the Department of Labor and which
 3 relates to the administration of this chapter.'

4 Further amend the Bill in section 16, in that
 5 part designated "\$1164." in the 30th line from the
 6 end (page 11, line 19 in L.D.) by inserting after the
 7 stricken out word and punctuation "~~expenditures-~~ the
 8 following underlined sentence:

9 'The commissioner shall give notice to the commission
 10 prior to any expenditures from this fund.'

11 Further amend the Bill by striking out all of
 12 section 18 (page 12, lines 18 to 34 in L.D.)

13 Further amend the Bill in section 22, in subsec-
 14 tion 4 by striking out all of the first sentence
 15 (page 16, lines 3 to 14 in L.D.) and inserting in its
 16 place the following:

17 'To hear and decide disputed claims, the commissioner
 18 with the advice of the commission shall establish one
 19 or more impartial appeal tribunals consisting in each
 20 case of either a salaried examiner or a body consist-
 21 ing of 3 members, one of whom shall be a salaried
 22 examiner, who shall serve as chairman, one of whom
 23 shall be a representative of employers and the other
 24 of whom shall be a representative of employees; each
 25 of the latter 2 members shall serve at the pleasure
 26 of the ~~commission~~ commissioner and be paid a fee of
 27 not more than \$10 per day of, not to exceed the per
 28 diem salary rate received by Legislators, for active
 29 service on such that tribunal plus necessary
 30 expenses.'

31 Further amend the Bill in section 23, in subsec-
 32 tion 8, by striking out all of the last underlined
 33 sentence (page 16, lines 31 and 32 in L.D.) and
 34 inserting in its place the following:

35 'The commissioner and the commission each shall be

COMMITTEE AMENDMENT "A " to S.P. 333, L.D. 978

1 made a party defendant in any appeal.'

2 Further amend the Bill by renumbering the sec-
3 tions to read consecutively.

4 STATEMENT OF FACT

5 The purpose of this amendment is to determine
6 more precisely the activities of the Unemployment
7 Insurance Commission and the Commissioner of Labor.
8 To achieve this purpose, this amendment:

9 1. Provides the Unemployment Insurance Commis-
10 sion with the exclusive authority to grant waivers
11 for recovery of erroneous payments that are not the
12 fault of the recipient and which would create an
13 undue hardship;

14 2. Provides the Commissioner of Labor with the
15 authority and responsibility for the operation and
16 management of the Bureau of Employment Security;

17 3. Provides the Unemployment Insurance Commis-
18 sion with the authority to adopt rules with respect
19 to unemployment insurance;

20 4. Requires the Commissioner of Labor to give
21 notice to the Unemployment Insurance Commission prior
22 to expenditures made from the Special Administrative
23 Expense Fund;

24 5. Provides that the Commissioner of Labor may
25 appoint appeal tribunals with the advice of the com-
26 mission; and

27 6. Creates the Unemployment Insurance Commission
28 and the Commission of Labor as codefendants in
29 appeals to the courts.

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