



## 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

Legislative Document

No. 45

H.P. 37

House of Representatives, January 14, 1993

Reference to the Committee on Labor suggested and ordered printed.

**JOSEPH W. MAYO, Clerk** 

Presented by Representative DEXTER of Kingfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-THREE

An Act to Require Recovery of Unemployment Benefit Overpayments.

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

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Sec. 1. 26 MRSA §1051, sub-§5, as amended by PL 1983, c. 305, §1, is further amended to read:

5. Refusal to repay erroneous payments. If, after due notice, any person refuses to repay amounts erroneously paid to him that person as unemployment benefits, the amounts due from that person shall must be eelleetible collected in the manner provided in subsection 6 or in the discretion of the commission the amount erroneously paid to such that 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-commission-members--is without-fault-on-his-part-and-where,-in-the--judgment-of--the commission--such-recovery-would-defeat-the-purpose-of-benefits etherwise -- authorized -- or -- would -- be -- against -- equity -- and -- good conscience. No A recovery may not 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.

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Sec. 2. 26 MRSA §1194, sub-11,  $\P$ C, as enacted by PL 1971, c. 538, §34, is amended to read:

C. If any determination, reconsidered determination, redetermination or decision awarding benefits is finally modified or reversed, any benefits paid to the claimant which that would not have been paid under such a final decision shall-be are deemed to be erroneous payments that are not chargeable to the account of any employer and are deemed overpayments recoverable by the bureau to the extent that subsection 2 and section 1043, subsection 3-A do not prohibit any benefits paid from being considered an overpayment.

## STATEMENT OF FACT

This bill requires that if a decision on a claimant's unemployment benefit is overruled or an error is corrected, the claimant must return the overpayment to the Bureau of Employment Security. The bill removes the Maine Unemployment Insurance Commission's discretion to waive recovery of the overpayment.

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