

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 264,
L.D. 802, Bill, "An Act to Improve the Unemployment Collection
Process for Employer Contributions"

Amend the amendment in section 5 in that part designated
"§1232." by striking out all of subsection 2 and inserting in its
place the following:

'2. Failure to file or pay taxes; determination to prevent
renewal, reissuance or other extension of license or
certificate. If the commissioner determines that an employer who
holds a state-issued license or certificate of authority to
conduct a profession, trade or business has failed to file a
return at the time required under this chapter or has failed to
pay a tax liability due under this chapter that has been
demanded, and the employer continues to fail to file or pay after
at least 2 specific written requests to do so, the commissioner
shall notify the employer in writing by certified mail, return
receipt requested, that refusal to file the required tax return
or to pay the overdue tax liability may result in loss of license
or certificate of authority.

This written notice must include information about the
opportunity to request a fact-finding interview for the purpose
of determining essential facts, negotiating a payment agreement
and determining the appropriateness of further enforcement under
this section.

If the employer requests a fact-finding interview within 30 days,
the commissioner shall schedule the interview at which the
commissioner shall attempt to negotiate a reasonable payment
agreement. The employer must be notified in writing if the
commissioner's determination is to prevent renewal, reissuance or

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2 extension of the license or certificate of authority by the
3 issuing agency. If the employer enters into a payment agreement,
4 a determination may not be made under this section until the
5 employer fails to comply with the agreement.

6 If the employer continues, for a period in excess of 30 days from
7 notice of possible denial of renewal or reissuance of a license
8 or certificate of authority, to fail to file or show reason why
9 the person is not required to file or if the employer continues
10 not to pay, the commissioner shall notify the employer in writing
11 of the determination to prevent renewal, reissuance or extension
12 of the license or certificate of authority by the issuing agency.

14 A review of the determination is available by filing an appeal
15 under section 1226 to the Maine Unemployment Insurance
16 Commission. Either by failure to proceed to the next step of
17 appeal or by exhaustion of the steps of appeal, the determination
18 of the commissioner's right to prevent renewal or reissuance
19 becomes final unless otherwise determined by appeal.

20 In any event, the license or certificate of authority in question
21 remains in effect until all appeals are taken to their final
22 conclusion. This subsection may not be invoked for any tax
23 liability under appeal.'

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28 **STATEMENT OF FACT**

29 This amendment prohibits the Department of Labor from
30 denying, suspending or revoking a license if there is a dispute
31 as to the amount owed and until all appeals are exhausted. The
32 amendment also provides for a fact-finding interview to determine
33 a reasonable payment agreement.

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Filed by Rep. Aikman of Poland
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5/25/93 (Filing No. H-439)