

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1090

S.P. 402

In Senate, March 30, 1995

**An Act to Require Reimbursement of Unemployment Benefits by
Workers' Compensation Insurers.**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator RAND of Cumberland.

Cosponsored by Senators: CAREY of Kennebec, ESTY of Cumberland, FERGUSON of Oxford, KIEFFER of Aroostook, LONGLEY of Waldo, McCORMICK of Kennebec, MICHAUD of Penobscot, MILLS of Somerset, PARADIS of Aroostook, PINGREE of Knox, RUHLIN of Penobscot, Representatives: ADAMS of Portland, CAMPBELL of Holden, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, HATCH of Skowhegan, JOY of Crystal, LEMAIRE of Lewiston, LOOK of Jonesboro, McALEVEY of Waterboro, NASS of Acton, ROSEBUSH of East Millinocket, SAMSON of Jay, STEDMAN of Hartland, TRUMAN of Biddeford, WINSOR of Norway.

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

4 **Sec. 1. 39-A MRSA §220**, as enacted by PL 1991, c. 885, Pt. A,
§8 and affected by §§9 to 11, is repealed.

6 **Sec. 2. 39-A MRSA §220-A** is enacted to read:

8 **§220-A. Reimbursement of unemployment compensation**

10 **1. Reimbursement of unemployment benefits.** If the board
12 determines that an employee who is receiving or has received
14 benefits under the Employment Security Law, Title 26, chapter 13
16 is eligible for compensation under this Act and the period for
18 which the compensation is to be awarded coincides with a period
during which the employee received or receives benefits, the
board shall reimburse the Unemployment Compensation Fund under
Title 26, section 1141 for any benefits paid while the employee
was determined eligible for compensation.

20 **2. Notification.** Before approving or awarding any
22 compensation as limited in subsection 1, the board shall request
that the Department of Labor:

24 A. Inform the board as to whether the claimant has received
26 since the date of injury or is currently receiving
unemployment benefits;

28 B. Notify the board in the event that the claimant
30 subsequently applies for and receives unemployment benefits;
and

32 C. Notify the board whenever the claimant ceases to receive
34 unemployment benefits.

36 When the Department of Labor so notifies the board, the board
38 shall notify the employer and employee and advise them of both
the requirements of this section and the difference the board
shall reimburse the Unemployment Compensation Fund.

40 **3. Application.** This section applies to petitions for
42 compensation filed after January 1, 1996.

44 **Sec. 3. Effective date.** This Act takes effect January 1, 1996.

46 **STATEMENT OF FACT**

48 **48**
50 Current workers' compensation law requires that all workers'
compensation awards be reduced by the amount of any unemployment
benefits received by an employee.

2 This bill repeals that law and instead requires the Workers'
4 Compensation Board to reimburse the Unemployment Compensation
6 Fund for any unemployment benefits received by an employee who is
 determined eligible to receive workers' compensation for the same
 period. This bill applies to petitions filed after January 1,
 1996.