

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1189

H.P. 872

House of Representatives, February 25, 1997

**An Act to Revise the Procedure to Appeal Nonacceptance into a
Self-employment Assistance Program.**

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PENDLETON of Scarborough.
Cosponsored by Representatives: HATCH of Skowhegan, RINES of Wiscasset, Senator:
MILLS of Somerset.

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

2
4 Sec. 1. 26 MRSA §1197, sub-§8-A, as enacted by PL 1995, c.
665, Pt. DD, §3 and affected by §12, is repealed.

6 Sec. 2. 26 MRSA §1197, sub-§8-B is enacted to read:

8 8-B. Appeal of nonacceptance into a self-employment
10 assistance program. All determinations under this section must
12 be made in writing. A determination that an individual has not
14 been accepted into a program approved by the commissioner that
16 provides self-employment assistance activities may be appealed
18 only as provided in this subsection.

20 A. A person who receives a determination of nonacceptance
22 into a self-employment assistance program may obtain a
24 review of that determination by a board appointed in
26 accordance with rules adopted under subsection 9. Appeals
28 to the board must be filed, in writing, within 15 calendar
30 days after the determination is mailed to the individual's
32 last known address. The period within which an appeal may
34 be filed may be extended, for a period not to exceed an
36 additional 15 calendar days, for good cause shown.

38 B. When an individual requests a review, the board shall
40 promptly investigate and attempt to resolve the complaint
42 informally. If the problem is not resolved to the
44 complainant's satisfaction through this informal process, a
46 hearing by an impartial hearing officer to review the
48 board's decision must be scheduled and conducted in
accordance with the Maine Administrative Procedure Act.

C. A person aggrieved by the decision of the hearing
officer may appeal by commencing an action pursuant to Title
5, chapter 375, subchapter VII. The Commissioner of Labor
must be made a defendant in any such appeal.

SUMMARY

 This bill amends the appeal procedure for the State's
self-employment assistance program to make it more compatible
with the operation of the program. If a person is not accepted
into a self-employment assistance program, the individual may
have the determination reviewed informally by a board appointed
by the Commissioner of Labor. Further hearings and appeals must
be made in accordance with the Maine Administrative Procedure Act.