

MAINE STATE LEGISLATURE

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M
R. O. S.

L.D. 1517

DATE: 5-27-97

(Filing No. H-695)

REPORT
LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "C" to H.P. 1080, L.D. 1517, Bill, "An Act to Enhance the Collection of Unemployment Benefit Overpayments"

Amend the bill in section 1 in paragraph C in the first paragraph in the 2nd line (page 1, line 6 in L.D.) by inserting after the following: "commissioner" the following: ', as a result of nondisclosure or misrepresentation.'

Further amend the bill in section 1 in paragraph C in the first paragraph in the 4th line (page 1, line 8 in L.D.) by striking out the following: "\$500" and inserting in its place the following: '\$100'

Further amend the bill in section 1 in paragraph C in subparagraph (3) in the first line (page 1, line 25 in L.D.) by inserting after the following: "review" the following: 'by the commission'

Further amend the bill in section 1 in paragraph C in subparagraph (4) in the 4th line (page 1, line 41 in L.D.) by inserting after the following: "wages" the following: ', except that the amount withheld may not exceed an amount by which the individual's disposable earnings are reduced to a weekly equivalent of 40 times the federal hourly minimum wage prescribed by 29 United States Code, Section 206(a)(1)'

Further amend the bill in section 1 in paragraph C in subparagraph (6) in the 4th line (page 2 line 4 in L.D.) by striking out the following: "his or her" and inserting in its place the following: 'that employee's'

COMMITTEE AMENDMENT

2 Further amend the bill in section 1 in paragraph C in
subparagraph (6) in the last line (page 2, line 5 in L.D.) by
4 striking out the following: "section" and inserting in its place
the following: 'subparagraph'

6 Further amend the bill by striking out all of section 2.

8 Further amend the bill by inserting at the end before the
10 summary the following:

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FISCAL NOTE

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16 Allowing the Department of Labor to recover overpayment of
unemployment benefits through wage garnishment will increase
18 funds that are reimbursed to the Unemployment Compensation Trust
Fund. The amounts cannot be determined at this time.

20 This bill may increase the number of civil suits filed in
the court system. The additional workload and administrative
22 costs associated with the minimal number of new cases filed can
be absorbed within the budgeted resources of the Judicial
24 Department. The collection of additional filing fees may also
increase General Fund revenue by minor amounts.'

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SUMMARY

28 This amendment is a minority report of the committee. The
30 amendment clarifies that the withholding order may be issued only
if the overpayment results from nondisclosure or
32 misrepresentation. The amendment lowers from \$500 to \$100 the
minimum amount of debt with respect to which a withholding order
34 may be issued. It also clarifies the process by which an
individual may seek a review of a notice of debt accrued, and it
36 places a floor of 40 times the federal minimum wage under which
withholding may not take the individual's weekly disposable
38 income. It clarifies the intent of the original bill to limit an
employee's right of civil action against the employer to a
40 circumstance in which the employer has discharged the employee
because of a withholding order. Finally, it removes the
42 provision of the original bill that allows lottery winnings to be
offset to recover unemployment benefit payments owed to the
44 Department of Labor. The amendment also adds a fiscal note to
the bill.

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