

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 867

H.P. 598

House of Representatives, March 5, 2009

An Act Regarding Unemployment Compensation

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAIN of Orono.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: BUTTERFIELD of Bangor, CUSHING of Hampden, FLOOD of Winthrop,
GOODE of Bangor, PRIEST of Brunswick, THIBODEAU of Winterport.

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

Sec. 1. 26 MRSA §1082, sub-§14, ¶A, as amended by PL 1995, c. 657, §2 and affected by §10, is further amended to read:

A. The Director of Unemployment Compensation or a representative of the commissioner duly authorized by the commissioner to do so shall determine whether an employing unit is an employer and whether services performed for or in connection with the business of the employing unit constitute employment, and shall give written notice of the determination to the employing unit. The written notice must include documentation of all information gathered explaining the reasoning and evidence used to make the determination. When investigating a claim of unemployment, the director shall provide equal treatment of the claimant and the alleged employer. Records of all interviews and documentation must be kept and made available to both parties. Unless the employing unit, within 30 calendar days after notification was mailed to its last known address, files an appeal from that determination, the determination is final.

SUMMARY

This bill requires the Director of Unemployment Compensation, when sending a written notice of determination of employment, to include the documentation that supported the determination. The bill also requires the director to treat both claimant and employer equally and to make available the record of interviews and documentation to both parties.