

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

10/10

Date: 3-26-12

(Filing No. S-484)

MINORITY

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 589, L.D. 1725, Bill, "An Act To Strengthen the Unemployment Insurance Laws and Reduce Unemployment Fraud"

Amend the bill in section 1 in subsection 1 by striking out the blocked paragraph (page 1, lines 13 to 17 in L.D.) and inserting the following:

'Each false statement or representation or failure to disclose a material fact shall constitute constitutes a separate offense. Unemployment fraud is a Class D crime theft by deception under Title 17-A, section 354.'

Amend the bill in section 2 in subsection 2 in the blocked paragraph in the 5th and 6th lines (page 1, lines 33 and 34 in L.D.) by striking out the following: "until the documentation is provided," and inserting the following: 'in accordance with section 1194, subsection 2 for the week or weeks for which no documentation was provided'

Amend the bill in section 4 in subsection 13 in the 3rd line (page 2, line 11 in L.D.) by striking out the following: "commission, the individual participates in those services, unless the commission" and inserting the following: 'Department of Labor, the individual participates in those services, unless the department'

Amend the bill in section 5 in §1192 in the first paragraph in the first line (page 2, line 17 in L.D.) by inserting after the following: "2," the following: '3.'

Amend the bill in section 5 in §1192 in the first paragraph in the 2nd to last line (page 2, line 25 in L.D.) by inserting after the following: "nature" the following: ', including child care emergencies and transportation emergencies'

Amend the bill in section 6 in subsection 2 in the first paragraph in the 2nd to last line (page 2, line 31 in L.D.) by striking out the following: "10" and inserting the following: '8'

Amend the bill in section 6 in subsection 2 in paragraph A in the 2nd to last line (page 2, line 35 in L.D.) by striking out the following: "10" and inserting the following: '8'

COMMITTEE AMENDMENT

1 Amend the bill in section 7 in subsection 3 in paragraph A in the 2nd line (page 3,
2 line 13 in L.D.) by striking out the following: "~~12 6~~" and inserting the following: '12'

3 Amend the bill in section 7 in subsection 3 in paragraph A in the blocked paragraph
4 in the first line (page 3, line 19 in L.D.) by striking out the following: "~~12 6~~" and inserting
5 the following: '12'

6 Amend the bill by striking out all of section 8 (page 4, lines 6 to 17 in L.D.)

7 Amend the bill in section 9 in subsection 6 in the last line (page 4, line 30 in L.D.) by
8 striking out the following: "an indefinite period" and inserting the following: 'a period of
9 time to be determined by the commissioner'

10 Amend the bill by inserting after section 9 the following:

11 **'Sec. 10. Interdepartmental cooperation.** The Department of Labor shall work
12 with the United States Department of Labor to explore allowing alternatives for
13 individuals for whom in-person participation in the first reemployment eligibility
14 assessment session is unduly burdensome based on travel distance and shall adopt
15 standards to implement any allowable and feasible alternatives. If permitted by the
16 Federal Government, the department shall develop standards and procedures to provide
17 alternatives to in-person participation for all subsequent reemployment eligibility
18 assessment sessions for individuals for whom travel to such sessions would be unduly
19 burdensome. Waiver of in-person participation in services must be made on a case-by-
20 case basis in accordance with standards adopted by the department. If alternatives to in-
21 person participation are allowed and are available, the department shall notify all
22 individuals affected by this section of any standards or procedures providing an
23 alternative to in-person participation in reemployment eligibility assessment services.'

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
25 section number to read consecutively.

26 SUMMARY

27 This amendment, which is the minority report of the committee, amends the bill to
28 clarify that criminal prosecutions may be brought against both individuals and employers
29 who commit unemployment fraud. It adds child care emergencies and transportation
30 emergencies to the list of good cause exceptions for registering for work, being able and
31 available for work and participating in reemployment services. It changes the amount of
32 earnings an individual must make before qualifying for benefits after being discharged for
33 misconduct from 10 times the weekly benefit amount to 8 times the weekly benefit
34 amount. It retains the current law provision that an individual must broaden the
35 individual's work search requirements after 12 weeks. The amendment removes vacation
36 pay from the list of remuneration from which benefits may be reduced. The amendment
37 also clarifies that the Commissioner of Labor may determine the amount of time a
38 claimant is disqualified from receiving benefits after a 3rd occurrence of statement
39 falsification or misrepresentation. It requires the Department of Labor to explore

COMMITTEE AMENDMENT "B" to S.P. 589, L.D. 1725

1 alternatives to in-person participation in reemployment eligibility assessment sessions if
2 travel is unduly burdensome.

3 **FISCAL NOTE REQUIRED**

4 (See attached)



Approved: 03/15/12 *MAC*

125th MAINE LEGISLATURE

LD 1725

LR 2554(03)

An Act To Strengthen the Unemployment Insurance Laws and Reduce Unemployment Fraud

Fiscal Note for Bill as Amended by Committee Amendment "B" S 484
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor savings - Unemployment Compensation Trust Fund

Fiscal Detail and Notes

This legislation may result in minor savings to the Unemployment Compensation Trust Fund. The amount can not be determined at this time.