

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1371

S.P. 503

In Senate, April 28, 2015

An Act To Encourage Greater Efficiency in the Unemployment Insurance System

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative WARD of Dedham and
Senator: CUSHING of Penobscot, Representatives: AUSTIN of Gray, LOCKMAN of
Amherst, STETKIS of Canaan.

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

2 **Sec. 1. 26 MRSA §1081**, as amended by PL 1987, c. 641, §§1 and 2, is further
3 amended to read:

4 **§1081. Administrative organization**

5 **1. Commission.** The Maine Unemployment Insurance Commission ~~shall consist~~
6 consists of 3 members, one of whom ~~shall must~~ must be a representative of labor, one of whom
7 ~~shall must~~ must be a representative of employers and one of whom ~~shall must~~ must be a
8 representative of the general public who ~~shall must~~ must be impartial and an attorney admitted
9 to the practice of law in the State ~~and shall be the chairman of the commission~~. Except as
10 provided in this subsection, the 3 members and their successors shall be appointed by the
11 Governor, subject to review by the joint standing committee of the Legislature having
12 jurisdiction over labor and to confirmation by the Senate, to hold office for a term of 6
13 years or until a successor has been duly appointed and confirmed, except that any
14 member appointed to fill a vacancy occurring prior to the expiration of the term for which
15 a predecessor was appointed shall be appointed for the remainder of the term. During a
16 term of membership on the commission, a member ~~shall not engage in any other business,~~
17 ~~vocation or employment, nor may not~~ shall not engage in any other business,
18 vocation or employment, nor may not serve as an officer or committee member of any
19 political organization, nor engage in political activity. The chair may not engage in any
other business or vocation.

20 **2. Salaries.** The ~~members chair~~ chair of the commission ~~shall must~~ must receive a fixed weekly
21 salary in accordance with Title 2, section 6, and ~~shall must~~ must be paid from the Employment
22 Security Administration Fund. The members of the commission who are representatives
23 of employers and labor must be employed on a per diem basis in the amount of \$100 for
24 up to 4 hours of services provided in relation to hearings and \$100 for each consecutive
25 period of up to 4 hours of services provided in relation to hearings thereafter, with
26 mileage and tolls reimbursed at the legislative rate pursuant to Title 3, section 2.

27 **3. Quorum.** Any 2 members of the commission ~~shall~~ constitute a quorum.
28 Whenever the commission hears any case under this chapter and Title 36, chapter 831,
29 the ~~chairman chair~~ chair shall act alone in the absence or disqualification of any other member,
30 provided that in the event of illness or extended absence on the part of the ~~chairman chair~~
31 or in the event of a vacancy in that position, the remaining members may act on appeals,
32 conduct hearings, and render decisions, provided both members agree. Except as
33 otherwise provided, no vacancy may impair the right of the remaining members to
34 exercise all of the powers of the commission. The chair, as the impartial member, has the
35 authority to render preliminary or ancillary decisions related to processing of commission
36 cases. This authority includes but is not limited to decisions related to remands for the
37 taking of additional evidence, issuance of subpoenas, timeliness, good cause for failure to
38 appear, requests for continuance and decisions related to other motions which are not
39 dispositive of the merits of a pending case. Any ~~action, other~~ decision, order, rule or
40 recommendation ~~which that~~ which that is required by law to be made by the ~~Maine Unemployment~~
41 ~~Insurance Commission shall~~ commission may not be made until the commission has held
42 a meeting in the regular course of its business for which all members have been provided
43 with reasonable notice of the meeting and its agenda.

1 4. Chair. The Governor shall appoint the representative of the general public as the
2 impartial chair and chief executive officer of the commission. Except as otherwise
3 provided, the chair shall, at the direction of the commission, hire personnel as necessary
4 to administer this chapter, subject to the Civil Service Law.

5 5. Removal. Members must be sworn and may be removed by the Governor for
6 inefficiency, willful neglect of duty or malfeasance in office, but only with the review and
7 concurrence of the joint standing committee of the Legislature having jurisdiction over
8 labor matters upon hearing in executive session or by impeachment. Before removing a
9 commission member, the Governor shall notify the President of the Senate and the
10 Speaker of the House of Representatives of the removal and the reasons for the removal.

11 SUMMARY

12 This bill makes the following changes to the laws governing the Maine
13 Unemployment Insurance Commission. It provides that:

14 1. The members of the commission who are representatives of employers and labor
15 are employed on a per diem basis in the amount of \$100 for up to 4 hours of services
16 provided in relation to hearings and \$100 for each consecutive period of up to 4 hours of
17 services provided in relation to hearings thereafter, with mileage and tolls reimbursed at
18 the legislative rate pursuant to the Maine Revised Statutes, Title 3, section 2;

19 2. The Governor may remove a member of the commission for inefficiency, willful
20 neglect of duty or malfeasance in office with the review and concurrence of the joint
21 standing committee of the Legislature having jurisdiction over labor matters upon hearing
22 in executive session or by impeachment. Before removing a member, the Governor must
23 notify the President of the Senate and the Speaker of the House of Representatives of the
24 removal and the reasons for the removal; and

25 3. The chair of the commission may render preliminary or ancillary decisions related
26 to processing of commission cases.