

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1564

S.P. 507

In Senate, April 27, 2021

An Act To Amend the Laws Governing Unemployment Compensation

Submitted by the Department of Labor pursuant to Joint Rule 204.
Received by the Secretary of the Senate on April 23, 2021. Referred to the Committee on
Labor and Housing pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator VITELLI of Sagadahoc.
Cosponsored by Representative TALBOT ROSS of Portland and
Senators: BLACK of Franklin, HICKMAN of Kennebec, Representative: SYLVESTER of
Portland.

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

2 **Sec. 1. 26 MRSA §1043, sub-§17, ¶B**, as amended by PL 1991, c. 548, Pt. D, §2,
3 is further amended to read:

4 B. An individual, including corporate officers, is considered "partially unemployed"
5 in any week of less than full-time work if the individual's wages payable from any
6 source for such week are not ~~\$5~~ \$100 or more in excess of the weekly benefit amount
7 the individual would be entitled to receive if totally unemployed and eligible, except
8 that remuneration payable or received as holiday pay is not considered wages for the
9 purpose of this subsection and except that any amounts received from the Federal
10 Government by members of the National Guard and organized reserve, including base
11 pay and allowances, or any amounts received as a volunteer firefighter, a volunteer
12 emergency medical services person or as an elected member of the Legislature, are not
13 considered wages for the purpose of this subsection.

14 **Sec. 2. 26 MRSA §1043, sub-§17, ¶C**, as amended by PL 1979, c. 515, §5, is
15 further amended to read:

16 C. An individual's week of unemployment ~~shall be deemed to commence~~ commences
17 only after ~~his~~ the individual's registration at an employment office, except as the
18 ~~commissioner~~ commissioner may by ~~regulation~~ rule otherwise prescribe.

19 **Sec. 3. 26 MRSA §1043, sub-§19**, as amended by PL 2017, c. 117, §3, is further
20 amended to read:

21 **19. Wages.** "Wages" means all remuneration for personal services, including
22 commissions, bonuses, severance or terminal pay, gratuities and the cash value of all
23 remuneration in any medium other than cash. The reasonable cash value of remuneration
24 in any medium other than cash must be estimated and determined in accordance with
25 ~~regulations~~ rules prescribed by the ~~commissioner~~ commissioner, except that:

26 A. For purposes of section 1221, the term "wages" does not include remuneration that
27 exceeds the first \$12,000 that is paid in a calendar year to an individual by an employer
28 or the employer's predecessor for employment during any calendar year, unless that
29 remuneration is subject to a tax under a federal law imposing a tax against which credit
30 may be taken for contributions required to be paid into a state unemployment fund. The
31 wages of an individual for employment with an employer are subject to this exception
32 whether earned in this State or any other state when the employer-employee
33 relationship is between the same legal entities;

34 B. For purposes of section 1191, subsection 2, section 1192, subsection 5 and section
35 1221, the term "wages" does not include:

36 (1) The amount of any payment, including any amount paid by an employer for
37 insurance or annuities, or into a fund, to provide for any such payment, made to,
38 or on behalf of, an employee or any of the employee's dependents under a plan or
39 system established by an employer that makes provision for the employer's
40 employees generally, or for the employer's employees generally and their
41 dependents, or for a class or classes of the employer's employees, or for a class or
42 classes of the employer's employees and their dependents, on account of:

1 (a) Sickness or accident disability, but, in the case of payments made to an
2 employee or any of the employee's dependents, this subparagraph excludes
3 from the term "wages" only payments that are received under a workers'
4 compensation law;

5 (b) Medical or hospitalization expenses in connection with sickness or
6 accident disability; or

7 (c) Death;

8 (1-A) Any payment on account of sickness or accident disability, or medical or
9 hospitalization expenses in connection with sickness or accident disability, made
10 by an employer or a 3rd party to, or on behalf of, an employee after the expiration
11 of 6 calendar months following the last calendar month in which the employee
12 worked for that employer;

13 (2) The payment by an employing unit, without deduction from the remuneration
14 of the employee, of the tax imposed upon an employee under section 3101 of the
15 Federal Insurance Contributions Act, as amended, with respect to service
16 performed after July 26, 1940, with respect to remuneration paid to an employee
17 for domestic service in a private home of the employer or for agricultural labor;

18 (3) The amount of any payment, other than vacation or sick pay, to an individual
19 after the month in which the individual attains the age of 62, if the individual did
20 not perform services for the employing unit in the period for which such payment
21 is made and is not expected to perform service in the future for the payment; or

22 (4) The amount of any nominal fee or stipend to a volunteer whose service is
23 excluded from the definition of employment pursuant to subsection 11, paragraph
24 F, subparagraph (35);

25 C. With respect to weeks of unemployment beginning on or after January 1, 1978,
26 wages for insured work includes wages paid for previously uncovered services. For the
27 purposes of this paragraph, the term "previously uncovered services" means services:

28 (1) That were not employment as defined in subsection 11, and were not services
29 covered pursuant to section 1222, at any time during the one-year period ending
30 December 31, 1975; and

31 (2) That:

32 (a) Are agricultural labor, as defined in subsection 11, paragraph A-2 or
33 domestic service as defined in subsection 11, paragraph A-3; or

34 (b) Are services performed by an employee of this State or a political
35 subdivision thereof, or any of their instrumentalities as provided in subsection
36 11, paragraph A-1, subparagraph (1), or by an employee of a nonprofit
37 educational institution that is not an institution of higher education, as provided
38 in subsection 11, paragraph F, subparagraph (17), division (i);

39 except to the extent that assistance under Title II of the Emergency Jobs and
40 Unemployment Assistance Act of 1974 was paid on the basis of such services;

1 D. Nothing in this subsection may be construed to include as wages any payment that
2 is not included as wages under the Federal Unemployment Tax Act, 26 United States
3 Code, Section 3306(b)(5) and (r), as amended, as of January 1, 1985; and

4 E. Nothing in this subsection may be construed to exclude from wages any
5 remuneration that is:

6 (1) Taxable under any federal law that imposes a tax against which credit may be
7 taken for contributions required to be paid into a state unemployment fund; or

8 (2) Required to be covered under this chapter as a condition for full tax credit
9 against the tax imposed by the Federal Unemployment Tax Act.

10 **Sec. 4. 26 MRSA §1043, sub-§20** is amended to read:

11 **20. Week.** "Week" means such period or periods of 7 calendar days as the ~~commissioner~~
12 commissioner may by ~~regulation rule~~ regulation rule prescribe. The ~~commissioner~~ commissioner may, by
13 ~~regulation rule~~ regulation rule, prescribe that a week ~~shall be~~ is deemed to be "in," "within" or "during" a
14 benefit year ~~which that~~ which includes any part of such week.

15 **Sec. 5. 26 MRSA §1050**, as amended by PL 1979, c. 579, §8 and c. 651, §§9 and
16 47, is further amended to read:

17 **§1050. Constitutionality**

18 If at any time the provisions of this chapter requiring the payment of contributions and
19 benefits have been held invalid under the Constitution of ~~this State~~ Maine by the Supreme
20 Judicial Court of this State or under the United States Constitution by the Supreme Court
21 of the United States in such manner that any person or concern required to pay contributions
22 under this chapter might secure a similar decision, or that the tax imposed by Title IX of
23 the federal Social Security Act, as amended, or any other federal tax against which
24 contributions under this chapter may be credited has been amended or repealed by Congress
25 or has been held unconstitutional by the Supreme Court of the United States, with the result
26 that no portion of the contributions required by this chapter may be credited against such
27 federal tax, the Governor shall forthwith publicly so proclaim and upon the date of such
28 proclamation the provisions of this chapter requiring the payment of contributions and
29 benefits ~~shall~~ must be suspended. The commissioner shall thereupon requisition from the
30 Unemployment Trust Fund all moneys therein standing to ~~his~~ the commissioner's credit
31 and shall direct the Treasurer of State to deposit such moneys, together with any other
32 moneys in the fund, as a special fund in any banks or public depositories in this State in
33 which general funds of the State may be deposited, and to hold such moneys for such
34 disposition as the Legislature ~~shall~~ may prescribe. The commissioner shall thereupon
35 refund, as the Legislature ~~shall~~ may prescribe, without interest and in accordance with
36 ~~regulations rules~~ regulations rules prescribed by the ~~commissioner~~ commissioner, to each person or concern
37 by whom contributions have been paid, their pro rata share of the total contributions paid
38 under this chapter. Any interest or earnings of the fund ~~shall~~ must be available to the
39 commissioner to pay for the costs of making such refunds. When the commissioner ~~shall~~
40 have has executed the duties prescribed and performed such other acts as are incidental to
41 the termination of ~~his~~ the commissioner's duties under this chapter, the Governor shall by
42 proclamation declare that this chapter ~~shall cease~~ ceases to be operative.

43 **Sec. 6. 26 MRSA §1051, sub-§5**, as amended by PL 1997, c. 293, §4, is further
44 amended to read:

1 **5. Refusal to repay erroneous payments; waiver of repayment.** If, after due notice,
2 any person refuses to repay amounts erroneously paid to that person as unemployment
3 benefits, the amounts due from that person are collectible in the manner provided in
4 subsection 6 or in the discretion of the ~~commission~~ commissioner or the commissioner's
5 designee, the amount erroneously paid to such person may be deducted from any future
6 benefits payable to that person under this chapter; ~~provided~~ except that there is no recovery
7 of payments from any person who, in the judgment of ~~at least 2 commission members~~ the
8 commissioner or the commissioner's designee, is without fault and ~~where~~ when, in the
9 judgment of the ~~commission~~ commissioner or the commissioner's designee, such recovery
10 would defeat the purpose of benefits otherwise authorized or would be against equity and
11 good conscience. No recovery may be attempted until the determination of an erroneous
12 payment is final as to law and fact and the individual has been notified of the opportunity
13 for a waiver under this subsection.

14 **Sec. 7. 26 MRSA §1082, sub-§1**, as amended by PL 1995, c. 560, Pt. G, §11, is
15 further amended to read:

16 **1. Powers and duties of the commissioner.** Except as otherwise provided, it is the
17 duty of the ~~Commissioner of Labor~~ commissioner to administer this chapter, through an
18 organization to be known as the Bureau of Unemployment Compensation. The
19 commissioner may employ persons, make expenditures, require reports, make
20 investigations and take other actions the commissioner determines necessary or suitable to
21 that end. The commissioner is responsible and possesses the necessary authority for the
22 operation and management of the Bureau of Unemployment Compensation. The
23 commissioner shall determine methods of operational procedures in accordance with the
24 provisions of this chapter. The commissioner may adopt rules in accordance with the
25 Maine Administrative Procedure Act, Title 5, chapter 375, to achieve this purpose, ~~except~~
26 ~~rules pertaining to unemployment insurance as provided in subsection 2.~~ The
27 commissioner may adopt rules with respect to a self-employment assistance program as
28 provided in section 1197. The commissioner shall determine methods of operational
29 procedures in accordance with the provisions of this chapter and by the Maine
30 Administrative Procedure Act, Title 5, chapter 375. The commissioner shall make
31 recommendations for amendments to this chapter that the commissioner determines proper.
32 When the commissioner believes that a change in contribution or benefit rates is necessary
33 to protect the solvency of the fund, the commissioner shall promptly inform the Governor
34 and the Legislature and make recommendations with respect to the change in rates.

35 **Sec. 8. 26 MRSA §1082, sub-§2**, as amended by PL 2003, c. 452, Pt. O, §3 and
36 affected by Pt. X, §2, is further amended to read:

37 **2. Powers and duties.** In addition to other powers and duties provided in this chapter,
38 ~~the commission, by majority vote and with the advice of the commissioner, may adopt or~~
39 ~~rescind rules with respect to unemployment insurance in accordance with the Maine~~
40 ~~Administrative Procedure Act, Title 5, chapter 375.~~ The commission may require reports,
41 make investigations and undertake other activities necessary to carry out the duties of the
42 commission. Each member of the commission is entitled to access to any information,
43 memoranda, reports or statistical data that is in the possession of or that has been prepared
44 by a division of the Department of Labor and that relates to the administration of this
45 chapter.

1 **Sec. 9. 26 MRSA §1082, sub-§13**, as amended by PL 2015, c. 39, §1, is further
2 amended to read:

3 **13. Filing payroll reports; penalty.** The ~~commission~~ commissioner may prescribe
4 rules for the filing of payroll reports for the employing units in the State. Each employing
5 unit shall submit a quarterly payroll report by electronic submission or on forms prescribed
6 by the bureau. These quarterly reports are due in the office of the bureau, or of any duly
7 constituted agent of the bureau, on or before the last day of the month following the close
8 of the calendar quarter for which the reports relate. The failure on the part of any employing
9 unit to file the payroll reports within this time frame renders the employing unit liable for
10 a penalty of \$25 or 10% of the tax due, whichever is greater.

11 In the case of executive, administrative and professional employees, and outside sales
12 representatives, as defined in Part 541 of the Rules and Regulations promulgated under the
13 federal Fair Labor Standards Act of 1938, as amended as of June 30, 1971, the
14 commissioner, upon the request of an employer of those individuals, may approve an
15 alternative method for obtaining from that employer necessary wage information relative
16 to those employees.

17 **Sec. 10. 26 MRSA §1162**, as repealed and replaced by PL 1979, c. 579, §19 and c.
18 651, §§20 and 47, is amended to read:

19 **§1162. Withdrawals**

20 Moneys ~~shall~~ must be requisitioned from the ~~state's~~ State's account in the
21 Unemployment Trust Fund solely for the payment of benefits and for the payment of
22 refunds pursuant to section 1043, subsection 11, paragraph F, subparagraph (2) and section
23 1225 in accordance with ~~regulations~~ rules prescribed by the ~~commission~~ commissioner.
24 The commissioner shall from time to time requisition from the Unemployment Trust Fund
25 the amounts, not exceeding the amounts standing to this ~~state's~~ State's account therein, as
26 ~~he deems~~ the commissioner considers necessary for the payment of the benefits and refunds
27 for a reasonable future period. Upon receipt thereof the Treasurer of State shall deposit the
28 moneys in the benefit account and warrants ~~shall~~ must be issued for the payment of benefits
29 and refunds solely from the benefit account. All warrants issued for the payment of benefits
30 and refunds ~~shall~~ must bear the signature of the commissioner or ~~his~~ the commissioner's
31 duly authorized agent for that purpose. When so signed and delivered to the payee, the
32 warrants ~~shall~~ become a check against a designated bank or trust company acting as a
33 depository of the State Government. The ~~commission shall be~~ commissioner is the final
34 judge of the legality or propriety of any award of benefits, or the amount thereof, appearing
35 in any such warrant prepared by the commissioner, subject only to the right of appeal as
36 provided in section 1194, subsections 8 and 9. Any balance of moneys requisitioned from
37 the Unemployment Trust Fund ~~which~~ that remains unclaimed or unpaid in the benefit
38 account after the expiration of the period for which the sums were requisitioned ~~shall~~ must
39 either be deducted from estimates for, and may be utilized for the payment of, benefits and
40 refunds during succeeding periods; or, in the discretion of the commissioner, ~~shall~~ be
41 redeposited with the United States Secretary of the Treasury ~~of the United States of~~
42 ~~America~~, to the credit of this ~~state's~~ State's account in the Unemployment Trust Fund, as
43 provided in section 1161.

44 **Sec. 11. 26 MRSA §1191, sub-§1** is amended to read:

1 **1. Payment of benefits.** Benefits ~~shall~~ must be paid from the Unemployment
2 Compensation Fund through public employment offices or such other agencies as the
3 ~~commissioner~~ commissioner may by ~~regulation~~ rule prescribe, and in accordance with such
4 ~~regulations~~ rules as the ~~commissioner~~ commissioner may prescribe.

5 **Sec. 12. 26 MRSA §1191, sub-§6**, as corrected by RR 2009, c. 2, §77, is amended
6 to read:

7 **6. Supplemental benefit for dependents.** An individual in total or partial
8 unemployment and otherwise eligible for benefits must be paid for each week of that
9 unemployment, in addition to the amounts payable under subsections 2 and 3, the sum of
10 \$10 ~~\$25~~ for each unemancipated child of the individual who in any part of the benefit year
11 and during any part of the individual's period of eligibility is, in fact, dependent upon and
12 is being wholly or mainly supported by the individual, and who is under the age of 18, or
13 who is 18 years of age or over and incapable of earning wages because of mental or physical
14 incapacity, or who is a full-time student as defined in Title 39-A, section 102, subsection
15 8, paragraph C, or who is in that individual's custody pending the adjudication of a petition
16 filed by the individual for the adoption of the child in a court of competent jurisdiction and
17 for each such child for whom that individual is under a decree or order from a court of
18 competent jurisdiction to contribute to that child's support and for whom no other person
19 is receiving allowances hereunder. In no instance may the dependency benefits as provided
20 in this subsection be more than ~~50%~~ 60% of the individual's weekly benefit amount.

21 The ~~commissioner~~ commissioner shall prescribe ~~regulations~~ rules as to who may receive a
22 dependency allowance when both spouses are eligible to receive unemployment
23 compensation benefits.

24 No individual may be eligible to receive dependency allowances as provided in this
25 subsection for any week during which that individual's spouse is employed full time
26 provided that the spouse is contributing some support to their dependent or dependents. For
27 purposes of this subsection, "employed full time" means the receipt of any wages, earnings,
28 salary or other income equivalent to that amount that would be received for a 40-hour ~~work~~
29 workweek.

30 **Sec. 13. 26 MRSA §1192, sub-§1**, as amended by PL 1975, c. 344, §1, is further
31 amended to read:

32 **1. Has claim for benefits.** ~~He~~ The individual has made a claim for benefits with
33 respect to such week or part thereof in accordance with such ~~regulations~~ rules as the
34 ~~commissioner~~ commissioner may prescribe;

35 **Sec. 14. 26 MRSA §1192, sub-§2**, as amended by PL 2013, c. 314, §1, is further
36 amended to read:

37 **2. Has registered for work.** The individual has registered for work at, and continued
38 to report at, an employment office in accordance with rules the ~~commissioner~~ commissioner
39 adopts, except that the ~~commissioner~~ commissioner may, by rule, waive or alter either or
40 both of the requirements of this subsection as to individuals attached to regular jobs and as
41 to such other types of cases or situations with respect to which the ~~commissioner~~
42 commissioner finds that compliance with the requirements would be oppressive, or would
43 be inconsistent with the purposes of this chapter. A rule under this subsection may not
44 conflict with section 1191, subsection 1.

1 The individual must actively seek work each week in which a claim for benefits is filed
2 unless the individual is participating in approved training under subsection 6 or work search
3 has been waived in accordance with rules adopted by the ~~commission~~ commissioner and
4 provide evidence of work search efforts in a manner and form as prescribed by the
5 Department of Labor. Failure to provide required work search documentation results in a
6 denial of benefits in accordance with section 1194, subsection 2 for the week or weeks for
7 which no documentation was provided unless the department determines there is good
8 cause for the individual's failure to comply with this requirement;

9 **Sec. 15. 26 MRSA §1192, sub-§3**, as amended by PL 2017, c. 453, §1, is further
10 amended to read:

11 **3. Is able and available for work.** The individual is able to work and is available for
12 full-time work at the individual's usual or customary trade, occupation, profession or
13 business or in such other trade, occupation, profession or business for which the individual's
14 prior training or experience shows the individual to be fitted or qualified, as long as the
15 geographic region in which the work will take place is not greater than 35 miles from the
16 individual's primary residence; and in addition to having complied with subsection 2 is
17 actively seeking work in accordance with the ~~regulations~~ rules of the ~~commission~~
18 commissioner; ~~provided except~~ that no ineligibility may be found solely because the
19 claimant is unable to accept employment on a shift, the greater part of which falls between
20 the hours of midnight to 5 a.m., and is unavailable for that employment because of parental
21 obligation, the need to care for an immediate family member or the unavailability of a
22 personal care attendant required to assist the unemployed individual who is a ~~handicapped~~
23 person with a disability; and ~~provided except~~ that an unemployed individual who is neither
24 able nor available for work due to good cause as determined by the deputy is eligible to
25 receive prorated benefits for that portion of the week during which the individual was able
26 and available.

27 A. Notwithstanding this subsection, beginning January 1, 2004, an individual who is
28 not available for full-time work as required in this subsection is not disqualified from
29 receiving benefits if:

30 (1) The individual worked less than full time for a majority of the weeks during
31 that individual's base period and the individual is able and available for and actively
32 seeking part-time work for at least the number of hours in a week comparable to
33 those customarily worked in part-time employment during that individual's base
34 period; or

35 (2) The individual worked full time for a majority of the weeks during that
36 individual's base period, but is able and available for and actively seeking only
37 part-time work because of the illness or disability of an immediate family member
38 or because of limitations necessary for the safety or protection of the individual or
39 individual's immediate family member.

40 **Sec. 16. 26 MRSA §1192, sub-§6**, as amended by PL 2013, c. 474, §1, is further
41 amended to read:

42 **6. Approved training.** Notwithstanding any other provisions of this chapter to the
43 contrary, any otherwise eligible claimant in training, as approved for the claimant by the
44 deputy, under rules adopted by the ~~commission with the advice and consent of the~~
45 commissioner, may not be denied benefits for any week with respect to subsection 3,

1 relating to availability and the work search requirement or the provisions of section 1193,
2 subsection 3. Enrollment in a degree-granting program may not be the sole cause for denial
3 of approved training status for an otherwise eligible claimant. Benefits paid to any eligible
4 claimant while in approved training, for which, except for this subsection, the claimant
5 could be disqualified under section 1193, subsection 3, may not be charged against the
6 experience rating record of any employer but must be charged to the General Fund. For
7 purposes of this subsection, "the deputy" means a representative from the bureau
8 designated by the commissioner.

9 **Sec. 17. 26 MRSA §1192, sub-§6-C**, as amended by PL 2013, c. 474, §2, is further
10 amended to read:

11 **6-C. Prohibition against disqualification of individuals in approved training**
12 **under section 1196.** Notwithstanding any other provision of this chapter to the contrary,
13 no otherwise eligible individual may be denied benefits for any week because that
14 individual is in training as approved by the deputy, under rules adopted by the ~~commissioner~~
15 ~~with the advice and consent of the~~ commissioner, nor may that individual be denied benefits
16 by reason of leaving work to enter that training, as long as the work left is not suitable
17 employment.

18 For purposes of this subsection, "suitable employment" means, with respect to an
19 individual, work of a substantially equal or higher skill level than the individual's past
20 adversely affected employment, and "the deputy" means a representative from the bureau
21 designated by the commissioner.

22 **Sec. 18. 26 MRSA §1192, 2nd ¶**, as amended by PL 2017, c. 453, §5, is further
23 amended to read:

24 For purposes of subsections 2, 3, 12 and 13, "good cause" means the unemployed
25 individual is ill; the presence of the unemployed individual is required due to an illness of
26 the unemployed individual's spouse, children, parents, stepparents, brothers or sisters, or
27 relatives who have been acting in the capacity of a parent of either the unemployed
28 individual or the unemployed individual's spouse; the unemployed individual is in
29 attendance at the funeral of such a relative; the unemployed individual is observing a
30 religious holiday as required by religious conviction; the unemployed individual is
31 performing either a military or civil duty as required by law; or other cause of a necessitous
32 and compelling nature, including child care emergencies and transportation emergencies.
33 ~~If an unemployed individual has completed reemployment services and eligibility~~
34 ~~assessment with the Department of Labor within the prior 5 years, that individual is~~
35 ~~considered to have good cause for not participating in reemployment services and~~
36 ~~eligibility assessment under subsections 12 and 13.~~ "Good cause" does not include
37 incarceration as a result of a conviction for a felony or misdemeanor.

38 **Sec. 19. 26 MRSA §1193, sub-§1, ¶A**, as amended by PL 2017, c. 117, §6, is
39 further amended to read:

40 A. For the week in which the claimant left regular employment voluntarily without
41 good cause attributable to that employment. The disqualification continues until the
42 claimant has earned 4 times the claimant's weekly benefit amount in employment by
43 an employer. A claimant may not be disqualified under this paragraph if:

1 (1) The leaving was caused by the illness or disability of the claimant or an
2 immediate family member and the claimant took all reasonable precautions to
3 protect the claimant's employment status by promptly notifying the employer of
4 the need for time off, a change or reduction in hours or a shift change and being
5 advised by the employer that the time off or change or reduction in hours or shift
6 change cannot or will not be accommodated;

7 (2) The leaving was necessary to accompany, follow or join the claimant's spouse
8 in a new place of residence;

9 (3) The leaving was in good faith in order to accept new employment on a
10 permanent full-time basis and the new employment did not materialize for reasons
11 attributable to the new employing unit;

12 (4) The leaving was necessary to protect the claimant or any member of the
13 claimant's immediate family from domestic abuse or the leaving was due to
14 domestic violence that caused the claimant reasonably to believe that the claimant's
15 continued employment would jeopardize the safety of the claimant or any member
16 of the claimant's immediate family and the claimant made all reasonable efforts to
17 preserve the employment; or

18 (5) The claimant's employer announced in writing to employees that it planned to
19 reduce the work force through a layoff or reduction in force and that employees
20 may offer to be among those included in the layoff or reduction in force, at which
21 time the claimant offered to be one of the employees included in the layoff or
22 reduction in force and the claimant's employer accepted the claimant's offer,
23 thereby ending the employment relationship; or

24 (6) The leaving was due to the unexpected loss of child or elder care for which the
25 claimant was not at fault and for which no work alternatives such as changes in
26 hours or a leave of absence or alternate child or elder care options were available
27 despite good faith efforts made by the claimant to resolve the issue and continue
28 working.

29 Separation from employment based on the compelling family reasons in subparagraphs
30 (1), (2) ~~and~~, (4) and (6) does not result in disqualification.

31 **Sec. 20. 26 MRSA §1194, sub-§1** is amended to read:

32 **1. Filing.** Claims for benefits ~~shall~~ must be made in accordance with such ~~regulations~~
33 rules as the ~~commissioner~~ commissioner may prescribe. Each employer shall post and
34 maintain printed statements of the ~~regulations~~ rules in places readily accessible to
35 individuals in ~~his~~ the employer's service and shall make available to each such individual
36 at the time ~~he~~ the individual becomes unemployed a printed statement of those ~~regulations~~
37 rules. The printed statements ~~shall~~ must be supplied by the commissioner to each employer
38 without cost to ~~him~~ the employer.

39 **Sec. 21. 26 MRSA §1194, sub-§1-A, ¶C**, as enacted by PL 1999, c. 376, §1, is
40 amended by amending subparagraph (1) to read:

41 (1) Whose earnings or earnings plus holiday pay for the week exceed the
42 maximum weekly benefit amount plus \$5 \$100; or

1 **Sec. 22. 26 MRSA §1194, sub-§2**, as amended by PL 2003, c. 163, §1, is further
2 amended by amending the 6th blocked paragraph to read:

3 If, during the period a claimant is receiving benefits, new information or a new issue arises
4 concerning the claimant's eligibility for benefits or which affects the claimant's weekly
5 benefit amount, benefits may not be withheld until a determination is made on the issue.
6 Before a determination is made, written notice ~~shall~~ must be mailed to the claimant and
7 other interested parties, which must include the issue to be decided, the law upon which it
8 is based, any factual allegations known to the bureau, the right to a fact-finding interview,
9 the date and location of the scheduled interview and the conduct of the interview and
10 appeal. The fact-finding interview must be scheduled not less than 5 days nor more than
11 14 days after the notice is mailed. The bureau shall include in the notice a statement
12 notifying the claimant that any benefits paid prior to the determination may be an
13 overpayment under applicable law and recoverable by the bureau if it is later determined
14 that the claimant was not entitled to the benefits. If the claimant does not appear for the
15 scheduled interview, the deputy shall make a determination on the basis of available
16 evidence. The deputy shall make a prompt determination of the issue based solely on any
17 written statements of interested parties filed with the bureau before the interview, together
18 with the evidence presented by interested parties who personally ~~appeared at~~ participated
19 in the interview by telephone or e-mail or other electronic means. Upon request and notice
20 to all parties at the interview, the deputy may accept corroborative documentary evidence
21 after the interview. In no other case may the deputy base a decision on evidence received
22 after the interview has been held.

23 **Sec. 23. 26 MRSA §1194, sub-§3**, as amended by PL 1987, c. 641, §8, is further
24 amended to read:

25 **3. Appeals.** Unless such appeal is withdrawn, the Division of Administrative Hearings
26 after affording the parties reasonable opportunity for fair hearing, shall affirm, modify or
27 set aside the findings of fact and decision of the deputy. The parties ~~shall~~ must be then
28 duly notified of the division's decision, together with its reasons therefor, which subject to
29 subsection 11 ~~shall be~~ is deemed to be the final decision of the commission unless, within
30 15 calendar days after that notification was mailed to ~~his~~ the claimant's and employer's last
31 known address, the claimant ~~and or employer may appeal~~ appeals to the commission by
32 filing an appeal in accordance with such rules as the ~~commission~~ commissioner shall prescribe
33 commissioner prescribes, provided that as long as the appealing party appeared at the
34 hearing and was given notice of the effect of the failure to appear in writing prior to the
35 hearing.

36 **Sec. 24. 26 MRSA §1194, sub-§6**, as repealed and replaced by PL 1977, c. 694,
37 §474, is amended to read:

38 **6. Procedure.** The manner in which disputed claims ~~shall~~ must be presented, and the
39 reports thereon required from the claimant and from employers ~~shall~~ must be in accordance
40 with ~~regulations~~ rules prescribed by the ~~commission~~ commissioner. The conduct of
41 hearings and appeals ~~shall~~ must be in accordance with Title 5, ~~section 8001 et seq~~ chapter
42 375.

43 **Sec. 25. 26 MRSA §1195, sub-§1-A** is enacted to read:

1 **1-A. Alternate trigger.** In addition to the conditions provided in subsection 1,
2 paragraphs H and I with respect to weeks of unemployment beginning on or after January
3 1, 2022, the determination of whether there has been a state "on" indicator or a state "off"
4 indicator beginning or ending any extended benefit period must be made under this
5 subsection if:

6 A. The average rate of seasonally adjusted total unemployment in this State, as
7 determined by the United States Secretary of Labor, for the period consisting of the
8 most recent 3 months for which data for all states are published before the close of that
9 week equals or exceeds 6.5%; and

10 B. The average rate of seasonally adjusted total unemployment in this State, as
11 determined by the United States Secretary of Labor, for the 3-month period referred to
12 in paragraph A equals or exceeds 110% of the average rate for either or both of the
13 corresponding 3-month periods ending in the 2 preceding calendar years.

14 There is a state "off" indicator for a week based on the rate of seasonally adjusted total
15 unemployment in this State, as determined by the United States Secretary of Labor, only if
16 the period consisting of the most recent 3 months for which data for all states are published
17 before the close of such week does not result in a state "on" indicator.

18 **Sec. 26. 26 MRSA §1195, sub-§2,** as enacted by PL 1971, c. 119, is amended to
19 read:

20 **2. Effect of state law provisions relating to regular benefits on claims for, and the**
21 **payment of, extended benefits.** Except when the result would be inconsistent with the
22 other provisions of this subchapter, as provided in the ~~regulations~~ rules of the ~~commission~~
23 ~~commissioner~~, the provisions of this chapter ~~which that~~ apply to claims for, or the payment
24 of, regular benefits ~~shall~~ apply to claims for, and the payment of, extended benefits.

25 **Sec. 27. 26 MRSA §1195, sub-§5-A** is enacted to read:

26 **5-A. Total extended benefit amount in high unemployment period.** With respect
27 to weeks of unemployment beginning on or after January 1, 2022, effective with respect to
28 weeks beginning in a high unemployment period, subsection 5 must be applied by
29 substituting:

30 A. "Eighty percent" for "50%" in paragraph A;

31 B. "Twenty" for "13" in paragraph B; and

32 C. "Forty-six" for "39" in paragraph C.

33 For purposes of this subsection, "high unemployment period" means any period during
34 which an extended benefit period would be in effect if subsection 1-A, paragraph A were
35 applied by substituting "8%" for "6.5%."

36 **Sec. 28. 26 MRSA §1197, sub-§8-B, ¶B-1,** as enacted by PL 2005, c. 39, §1, is
37 amended to read:

38 B-1. A person aggrieved by the decision of the hearing officer may appeal to the
39 commission by filing an appeal in accordance with rules established by the ~~commission~~
40 commissioner as long as the appealing party participated in the hearing by that hearing
41 officer and was given notice of the effect of the failure to participate in writing prior to
42 the hearing.

1 **Sec. 29. 26 MRSA §1221, sub-§10, ¶E**, as amended by PL 1981, c. 168, §25, is
2 further amended to read:

3 E. The ~~Commissioner of Labor~~ commissioner, in accordance with such ~~regulations~~
4 rules as the ~~commissioner~~ commissioner may prescribe, shall notify each such employer
5 of any determination ~~which~~ that is made of its status as an employer and of the effective
6 date of any election ~~which~~ that it makes and any termination of such election. Such
7 determination ~~shall be~~ is subject to reconsideration, appeal and review in accordance
8 with section 1082, subsection 14.

9 **Sec. 30. 26 MRSA §1221, sub-§15**, as amended by PL 1981, c. 286, §4, is further
10 amended to read:

11 **15. Group accounts.** Two or more nonprofit organizations or 2 or more governmental
12 entities that have become liable for payments in lieu of contributions, in accordance with
13 subsections 10 and 13, may file a joint application to the commissioner for the
14 establishment of a group account for the purpose of sharing the cost of benefits paid that
15 are attributable to service in the employ of such employers or governmental entities. Each
16 such application ~~shall~~ must identify and authorize a group representative to act as the
17 group's agent for the purposes of this subsection. Upon approval of the application, the
18 commissioner shall establish a group account for such employers or governmental entities
19 effective as of the beginning of the calendar quarter in which ~~it~~ the commissioner receives
20 the application and shall notify the group's representative of the effective date of the
21 account. Such account ~~shall remain~~ remains in effect for not less than 2 years and thereafter
22 until terminated at the discretion of the commissioner or upon application by the group.
23 Upon establishment of the account, each member of the group ~~shall be~~ is liable for
24 payments in lieu of contributions with respect to each calendar quarter in the amount that
25 bears the same ratio to the total benefits paid in such quarter that are attributable to service
26 performed in the employ of all members of the group as the total wages paid for service in
27 employment by such member in such quarter bear to the total wages paid during such
28 quarter for service performed in the employ of all members of the group. The ~~commissioner~~
29 commissioner shall prescribe such ~~regulations as it deems~~ rules the commissioner considers
30 necessary with respect to applications for establishment, maintenance and termination of
31 group accounts that are authorized by this subsection, for addition of new members to, and
32 withdrawal of active members from, such accounts, and for the determination of the
33 amounts that are payable under this subsection by members of the group and the time and
34 manner of such payments.

35 **Sec. 31. 26 MRSA §1226, sub-§1, ¶A**, as amended by PL 2017, c. 284, Pt.
36 AAAAA, §4, is further amended to read:

37 A. An employer may appeal determinations by the commissioner or the
38 commissioner's designated representatives made under sections 1082, subsection 14,
39 1221, 1222, 1225 and 1228, or an assessment made under section 1225, to the Division
40 of Administrative Hearings by filing an appeal, in accordance with rules that the
41 ~~commissioner~~ commissioner prescribes, within 30 days after notification is mailed to the
42 employer's last known address as it appears in the records of the bureau or, in the
43 absence of such mailing, within 30 days after the notification is delivered. If the
44 employer fails to perfect this appeal, the assessment or determination is final as to law
45 and fact.

