

MAINE STATE LEGISLATURE

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WKS
ROY

L.D. 13

Date: 4-19-2023

Majority

(Filing No. H- 45)

LABOR AND HOUSING

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 17, L.D. 13, "An Act to Define "Mail" in the Employment Security Law to Include Electronic Notification"

Amend the bill by striking out the title and substituting the following:

'An Act to Define "Mail" in the Employment Security Law to Include Electronic Notification and to Extend the Appeal Times for Claimants'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 26 MRSA §1052 is enacted to read:

§1052. Method of mail for required notices

The bureau may not send a notice to an individual as required under this chapter exclusively by electronic mail without first allowing the individual the opportunity to elect to receive that notice exclusively by electronic mail.

Sec. 3. 26 MRSA §1194, sub-§2, as amended by PL 2021, c. 456, §24, is further amended by amending the 3rd blocked paragraph to read:

The deputy shall promptly notify the claimant and any other interested party of the determinations and reasons for the determinations. Subject to subsection 11, unless the claimant or any such interested party, within ~~15~~ 30 calendar days after that notification was mailed to the claimant's last known address, files an appeal from that determination, that determination is final, except that the period within which an appeal may be filed may be extended, for a period not to exceed an additional ~~15~~ 30 calendar days, for good cause shown. If new evidence or pertinent facts that would alter that determination become known to the deputy prior to the date that determination becomes final, a redetermination is authorized, but that redetermination must be mailed before the original determination becomes final.

Sec. 4. 26 MRSA §1194, sub-§2, as amended by PL 2021, c. 456, §24, is further amended by amending the 6th blocked paragraph to read:

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

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

SUMMARY

This amendment specifies that the Department of Labor, Bureau of Unemployment Compensation may not send a notice to an individual as required under the Employment Security Law exclusively by electronic mail without first allowing the individual the opportunity to elect to receive that notice exclusively by electronic mail.

The amendment also extends the period within which an appeal from a deputy's decision regarding a claim for benefits under the Employment Security Law may be filed from 15 to 30 calendar days and the period by which that appeal time may be extended for good cause shown from 15 to 30 calendar days. It also clarifies that no fact-finding interview may be scheduled less than 7 calendar days or more than 14 calendar days after the notice of fact-finding interview is mailed.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 13

LR 125(02)

An Act to Define "Mail" in the Employment Security Law to Include Electronic Notification

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-45)
Committee: Labor and Housing
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Federal Expenditures Fund

Fiscal Detail and Notes

Additional costs to the Bureau of Unemployment Compensation within the Department of Labor to implement the requirements of this legislation can be absorbed within existing budgeted resources.