

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-first and Ninety-second
Legislatures
OF THE
STATE OF MAINE

From April 10, 1943 to April 21, 1945
AND MISCELLANEOUS STATE PAPERS
From April 10, 1943 to May 24, 1945

Published by the Revisor of Statutes in accordance
with Chapter 10 of the Revised Statutes of 1944.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-second Legislature

1945

Chapter 164

AN ACT Amending the Unemployment Compensation Law as to Claims for Benefits.

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

R. S., c. 24, § 6, sub-§ (b), amended. Subsection (b) of section 6 of chapter 24 of the revised statutes is hereby amended to read as follows:

(b) **Determination.** A representative designated by the commission, and hereinafter referred to as a deputy, shall promptly examine the first claim filed by a claimant in each benefit year and shall determine the weekly benefit amount and maximum benefit amount potentially payable to the claimant during such benefit year in accordance with the provisions of subsection (e) of section 4 of this act.

The deputy shall promptly examine all subsequent claims filed and, on the basis of the facts found by him, shall determine whether or not such claim is valid with respect to the provisions of sections 4 and 5 of this act, other than subsection (e) of section 4, or shall refer such claim or any question involved therein to an appeal tribunal or to the commission, which shall make a determination with respect thereto in accordance with the procedure described in subsection (c) of this section, except that in any case in which the payment or denial of benefits will be subject to the provisions of subsection (d) of section 5 of this act, the deputy shall promptly transmit his full finding of fact with respect to that subsection to the commission, which on the basis of the evidence submitted and such additional evidence as it may require, shall affirm, modify, or set aside such findings of fact and transmit to the deputy a decision upon the issues involved under that subsection.

The deputy shall also determine, in accordance with the provisions of paragraph (1) of subsection (c) of section 7 of this chapter, the proper employer's experience rating record, if any, against which benefits of an eligible individual shall be charged, if and when paid.

The deputy shall promptly notify the claimant and any other interested party of the determinations and reasons therefor. Unless the claimant or any such interested party, within 5 calendar days after the delivery of such notification, or within 7 calendar days after such notification was mailed to his last known address, files an appeal from such determination, such determination shall be final and benefits shall be paid or denied in accord-

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ance therewith. If an appeal is duly filed, benefits with respect to the period prior to the final determination of the commission, shall be paid only after such determination; provided, that if an appeal tribunal affirms a determination of a deputy, or the commission affirms a determination of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such determination is finally reversed, no employer's account shall be charged with benefits so paid; provided further, if the claimant's appeal relates to the weekly benefit amount or maximum benefit amount potentially payable to him in the benefit year, benefits may nevertheless be paid to the extent of the deputy's determination and prior to the final determination of the commission.'

Effective July 21, 1945

Chapter 165

AN ACT Amending the Unemployment Compensation Law as to Appeals.

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

R. S., c. 24, § 6, subsection (c), amended. Subsection (c) of section 6 of chapter 24 of the revised statutes is hereby amended to read as follows:

'(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm ~~or~~, modify or set aside the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within 10 days after the date of notification or mailing of such decision; further appeal is initiated pursuant to subsection (e) of this section.'

Effective July 21, 1945