

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 445 - L.D. 706

An Act Regarding the Laws Relating to Unemployment Insurance

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

Sec. 1. 26 MRSA §1043, sub-§3-A, as amended by PL 1995, c. 9, §1, is further amended to read:

3-A. Alternate base period. For benefit years effective on or after September 27, 1992 for any individual who fails to meet the eligibility requirements of section ~~1192~~, ~~subsection 5~~ 1192-A, subsection 2, paragraph F in the base period as defined in subsection 3, the Department of Labor shall make a redetermination of eligibility based on a base period that consists of the last 4 completed calendar quarters immediately preceding the first day of the individual's benefit year. This base period is known as the "alternate base period." If wage information for the most recent quarter of the alternate base period is not available to the department from regular quarterly reports of wage information that is systematically accessible, the department shall gather the necessary data in accordance with rules established for this purpose.

If the department receives information from the employer that causes a revised monetary determination under this subsection, benefits received prior to that revision may not constitute an overpayment of benefits provided as long as the claimant did not knowingly misrepresent information requested by the department.

Wages that fall within the base period of claims established under this subsection are not available for reuse in qualifying for any subsequent benefit years under section ~~1192~~ 1192-A.

In the case of a combined-wage claim pursuant to the arrangement approved by the United States Secretary of Labor in accordance with section 1082, subsection 12, the base period is that base period applicable under the unemployment compensation law of the paying state.

Sec. 2. 26 MRSA §1043, sub-§5, ¶B, as amended by PL 2009, c. 271, §1, is repealed.

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

B. For purposes of section 1191, subsection 2; ~~section 1192, subsection 5~~ 1192-A, subsection 2, paragraph F; and section 1221, the term "wages" does not include:

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

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

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

(c) Death;

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

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

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

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

Sec. 4. 26 MRSA §1051, sub-§1, as amended by PL 2011, c. 645, §1, is further amended to read:

1. False statement or representation. A person is guilty of unemployment fraud if that person makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact or solicits another person to make a false statement knowing it to be false or knowingly solicits another person to fail to disclose a material fact:

A. To obtain or increase any benefit or other payment under this chapter or under an employment security law of any other state or of the Federal Government;

B. To prevent or reduce the payment of unemployment benefits to any individual;

- C. To avoid becoming or remaining an employer under this chapter; or
- D. To avoid or reduce any contribution or other payment required from an employing unit under this chapter.

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

Sec. 5. 26 MRSA §1051, sub-§6, ¶C, as enacted by PL 1997, c. 434, §1, is amended by amending subparagraph (4) to read:

(4) Upon receipt of an order to withhold issued by the Department of Labor, the employer or other payor shall immediately begin withholding from the income of the responsible individual 10% of gross wages, except that the amount withheld may not exceed an amount by which the individual's disposable earnings are reduced to a weekly equivalent of 40 times the ~~federal state~~ hourly minimum wage prescribed by ~~29 United States Code, Section 206(a)(1)~~ section 664, subsection 1. Sums withheld must be remitted to the Department of Labor within 10 days of the date the individual is paid. Any person who honors an order to withhold issued under this section is discharged from any liability or obligation to the individual for the amount of the wages withheld.

Sec. 6. 26 MRSA §1051, sub-§10, as enacted by PL 1999, c. 464, §4, is amended to read:

10. Application of benefit repayments. Amounts received through any means to repay benefit payments owed to the commissioner must be applied first to any outstanding penalties, 2nd to any outstanding interest and 3rd to any benefit payments owed to the commissioner, except that if the repayment of benefit amounts owed to the commissioner is accomplished by offsetting subsequent benefit payments issued under this chapter, that repayment may be applied only to the principal amount.

Sec. 7. 26 MRSA §1082, sub-§1, as amended by PL 2021, c. 456, §8, is further amended to read:

1. Powers and duties of the commissioner. Except as otherwise provided, it is the duty of the commissioner to administer this chapter, through an organization to be known as the Bureau of Unemployment Compensation. The commissioner may employ persons, make expenditures, require reports, make investigations and take other actions the commissioner determines necessary or suitable to that end. The commissioner is responsible and possesses the necessary authority for the operation and management of the Bureau of Unemployment Compensation. The commissioner shall determine methods of operational procedures in accordance with the provisions of this chapter. The commissioner may adopt rules in accordance with ~~the Maine Administrative Procedure Act, Title 5, chapter 375, to achieve this purpose. The commissioner may adopt rules with respect to a self-employment assistance program as provided in section 1197. The commissioner shall determine methods of operational procedures in accordance with the provisions of this chapter and by the Maine Administrative Procedure Act, Title 5, chapter 375.~~ The commissioner shall make recommendations for amendments to this chapter that the commissioner determines proper. When the commissioner believes that a change in contribution or benefit rates is necessary to protect the solvency of the fund, the

commissioner shall promptly inform the Governor and the Legislature and make recommendations with respect to the change in rates.

Sec. 8. 26 MRSA §1085, sub-§1, ¶A, as enacted by PL 2019, c. 644, §4, is amended by amending subparagraph (3) to read:

(3) An employee of the bureau who has or will be given access to federal tax information as part of that employee's employment with the bureau and has not undergone a federal background investigation within the past ~~40~~ 5 years; or

Sec. 9. 26 MRSA §1191, sub-§4, ¶A, as amended by PL 2009, c. 271, §2, is further amended to read:

A. If a dislocated worker, as defined in section 1196, subsection 1, ~~who is in training approved under section 1192, subsection 6, 6-A, 6-C, 6-D or 6-E~~ qualifies for additional benefits under section ~~1043, subsection 5, paragraph B~~ 1196, subsection 1-A, or exhausts the worker's entitlement to benefits available to the worker under this subsection, the maximum amount under this subsection is the product of the worker's most recent weekly benefit amount multiplied by the number of weeks in which the worker thereafter attends an approved training program. ~~No~~ An increase may not be made under this paragraph, with respect to any benefit period, greater than 26 times the individual's weekly benefit amount.

(1) Benefits paid to an individual under this paragraph may not be charged against the experience rating record of any employer, but must be charged to the General Fund.

(2) ~~No benefits~~ Benefits may not be paid under this paragraph to ~~any person an individual~~:

(b) Until the ~~person~~ individual has exhausted benefits for which the ~~person~~ individual is eligible under ~~any an~~ unemployment insurance benefit program funded in whole or in part by the State ~~Government~~ or the Federal Government; or

(c) Who is eligible for or who has exhausted, after ~~the effective date of this paragraph~~ March 20, 1986, trade adjustment allowances as provided by the United States Trade Act of 1974, ~~Title II, Chapter 2, Public Law 93-617, 19~~ United States Code, ~~Title 19, Section 2291, et seq. to 2294~~, and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act of 1974 may receive benefits for the number of weeks by which ~~their~~ that individual's benefits under that Act are less than 26 weeks.

Sec. 10. 26 MRSA §1192, as corrected by RR 2023, c. 2, Pt. E, §§89 to 92, is repealed.

Sec. 11. 26 MRSA §1192-A is enacted to read:

§1192-A. Eligibility conditions

The following provisions govern an individual's eligibility to receive benefits under this chapter.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Deputy" means a representative of the bureau designated by the commissioner.

B. "Educational service agency" means a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing services to one or more educational institutions.

C. "Good cause" means:

(1) The unemployed individual is ill;

(2) The presence of the unemployed individual is required due to an illness of the unemployed individual's spouse, child, parent, stepparent, sibling or relative who has been acting in the capacity of a parent of either the unemployed individual or the unemployed individual's spouse;

(3) The unemployed individual is in attendance at the funeral of any of the persons described in subparagraph (2);

(4) The unemployed individual is observing a religious holiday as required by religious conviction;

(5) The unemployed individual is performing either a military or civil duty as required by law; and

(6) Another cause of a necessitous and compelling nature, including child care emergencies and transportation emergencies.

"Good cause" does not include incarceration as a result of a conviction for a felony or misdemeanor.

D. "Suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the United States Trade Act of 1974, and wages for that work at not less than 80% of the individual's average weekly wage as determined for the purposes of the United States Trade Act of 1974.

E. "Union hiring hall" means a service provided by a labor union or an entity associated with a labor union that places employees with an employer under a collective bargaining agreement or otherwise places employees with employers.

2. Eligibility. An unemployed individual is eligible to receive benefits with respect to any week only if:

A. The individual has made a claim for benefits with respect to the week or part thereof in accordance with rules adopted by the commissioner;

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

C. For each week in which a claim for benefits is filed, the individual is actively seeking work, unless the individual is participating in approved training under subsection 3 or the work search requirement has been waived in accordance with rules adopted by the commissioner, and the individual provides evidence of work search efforts in a manner and form as prescribed by the Department of Labor. Failure to provide required work search documentation results in a denial of benefits in accordance with section 1194, subsection 2 for the week or weeks for which documentation was not provided unless the department determines there is good cause for the individual's failure to comply with this requirement.

Notwithstanding any provision of this paragraph to the contrary, an individual is considered to be actively seeking work in accordance with this section if the individual is a member of, or represented by, a bona fide labor union, or is otherwise authorized to use the services of a bona fide union hiring hall, maintains contact with that union and uses and complies with the placement services of the union hiring hall in seeking work;

D. The individual is able to work and is available for work at the individual's usual or customary hours, commute, trade, occupation, profession or business or in such other trade, occupation, profession or business for which the individual's prior training or experience shows the individual to be fitted or qualified, and in addition to having complied with paragraphs B and C, is actively seeking work in accordance with the rules of the commissioner.

Ineligibility may not be determined solely because an individual is unable to accept employment on a shift, the greater part of which falls between the hours of midnight to 5 a.m., and is unavailable for that employment because of parental obligation, the need to care for an immediate family member or the unavailability of a personal care attendant required to assist the unemployed individual who is a person with a disability. An unemployed individual who is neither able nor available for work due to good cause as determined by the deputy is eligible to receive prorated benefits for that portion of the week during which the individual was able and is available.

Notwithstanding this paragraph, an individual who worked full-time for the majority of the weeks during that individual's base period but is able and available for and actively seeking only part-time work because of the illness or disability of the individual or an immediate family member, or because of limitations necessary for the safety or protection of the individual or the individual's immediate family member, may not be disqualified from receiving benefits. The individual's benefits must be prorated in accordance with the individual's current availability;

E. The individual has served a waiting period of one week of total or partial unemployment. A week may not be counted as a week of total or partial unemployment for the purpose of this paragraph:

(1) If benefits have been paid with respect to that week;

(2) Unless it occurs within the benefit year that includes the week with respect to which the individual claims payment of benefits; and

(3) Unless the individual was eligible for benefits with respect to that week, as provided in this section and section 1193, except for the requirements of this paragraph; and

F. For an individual establishing a benefit year on or after January 1, 1980, the individual has been paid wages equal to or exceeding 2 times the annual average weekly wage for insured work in each of 2 different quarters in the individual's base period and has been paid total wages equal to or exceeding 6 times the annual average weekly wage in the individual's base period for insured work.

For the purposes of this paragraph, the annual average weekly wage amount to be used is that which is applicable at the time the individual files a request for determination of insured status.

For the purposes of this paragraph, wages are counted as "wages for insured work" for benefit purposes with respect to a benefit year only if the benefit year begins subsequent to the date on which the employer by whom such wages were paid has satisfied the conditions of section 1043, subsection 9, or section 1222, subsection 3, with respect to becoming an employer; except that an individual may not receive benefits in a benefit year unless, subsequent to the beginning of the next preceding benefit year during which that individual received benefits, that individual performed services and earned remuneration for such services in an amount equal to or greater than 8 times that individual's weekly benefit amount in employment by an employer in the benefit year being established.

This paragraph applies only to an individual requesting determination of insured status on and after January 1, 1972. In determining an individual's qualification under this subsection, payments pursuant to former Title 39, sections 54, 55, 188 and 189 and Title 39-A, sections 608 and 609 are considered wages for insured work.

3. Approved training. Notwithstanding any provision of this chapter to the contrary, an otherwise eligible individual who is in training, as approved for the individual by the deputy, under rules adopted by the commissioner, may not be denied benefits for any week with respect to subsection 2, paragraphs C and D relating to availability and the work search requirement or section 1193, subsection 3. Enrollment in a degree-granting program may not be the sole cause for denial of approved training status for an otherwise eligible individual. Benefits paid to any eligible individual while in approved training for which except for this subsection the individual could be disqualified under section 1193, subsection 3 may not be charged against the experience rating record of an employer but must be charged to the General Fund.

Notwithstanding any provision of this chapter to the contrary, the following provisions further govern an individual's eligibility for benefits with respect to training:

A. Any otherwise eligible individual may not be denied benefits for any week because the individual is in training approved under 19 United States Code, Section 2296(a) or under any amendment or addition to the United States Trade Act of 1974. That individual may not be denied benefits:

(1) For leaving work to enter that training, as long as the work left is not suitable employment; or

(2) Because of the application to any such week in training of provisions in this chapter or any applicable federal unemployment compensation law relating to availability for work, active search for work or refusal to accept work.

Benefits paid to an eligible individual while in training for which, except for this paragraph, the individual could be disqualified under section 1193, subsection 1 or 3 may not be charged against the experience rating record of an employer but must be charged to the General Fund;

B. The acceptance of training for opportunities available through United States Public Law 97-300 is considered to be acceptance of training with the approval of the State within the meaning of any other provisions of federal or state law relating to unemployment benefits;

C. The acceptance of training for opportunities available under sections 2031 and 2033 is considered to be acceptance of training with state approval under federal or state law relating to unemployment benefits; and

D. Unless inconsistent with federal law, the acceptance of training opportunities available through the federal Workforce Innovation and Opportunity Act, 29 United States Code, Sections 3101 to 3361 is considered to be acceptance of training with the approval of the State within the meaning of any other provision of federal or state law relating to unemployment benefits as long as the training is in accordance with rules the commissioner adopts.

4. Service with nonprofit organizations and educational institutions and state and local governments. Benefits based on service in employment, as defined in section 1043, subsection 11, paragraph A-1, subparagraphs (1) and (3), are payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other services subject to this chapter, except that:

A. With respect to weeks of unemployment beginning after December 31, 1977, for services in an instructional, research or principal administrative capacity for an educational institution, if there is a contract or annual written reasonable assurance that the individual will perform services in such a capacity for the educational institution in a 2nd academic year or term, benefits may not be paid to an individual based on those services for any week of unemployment:

(1) Commencing during the period between 2 successive academic years or terms;

(2) During a period, similar to the period described in subparagraph 1, between 2 regular, but not successive, terms when provided for by an agreement; or

(3) During a period of paid sabbatical leave provided for in an individual's contract, if that individual performs services in a first academic year or term;

B. With respect to weeks of unemployment beginning after September 3, 1982, for services for an educational institution in any capacity other than an instructional, research or principal administrative capacity, benefits may not be paid on the basis of those services to an individual for any week that commences during a period between 2 successive academic years or terms if the individual performs those services in the first of those academic years or terms and there is annual written reasonable assurance that the individual will perform the services in the 2nd of those academic years or terms; except that if benefits are denied to an individual under this paragraph and the

individual was not offered an opportunity to perform the services for the educational institution for the 2nd of those academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph;

C. With respect to weeks of unemployment beginning after December 31, 1977, benefits must be denied to an individual for any week that commences during an established and customary vacation period or holiday recess if:

(1) That individual performs a service described in paragraph A or B in the period immediately before the vacation period or holiday recess; and

(2) There is annual written reasonable assurance that the individual will perform those services in the period immediately following the vacation period or holiday recess; and

D. With respect to weeks of unemployment beginning after June 30, 1979, benefits must be denied to an individual who performed services in an educational institution while in the employ of an educational service agency for any week that commences during a period described in paragraph A, B or C if:

(1) That individual performs a service described in paragraph A or B in the first of these periods, as specified in the applicable paragraph; and

(2) There is a contract or a written reasonable assurance as set out in the applicable paragraph that the individual will perform these services in the 2nd of those periods, as set out in the applicable paragraph.

5. Claims in another state or contiguous country; individual residence; no denial or reduction of benefits. Benefits may not be denied or reduced to an individual solely because the individual files a claim in another state or a contiguous country with which the United States has an agreement with respect to unemployment compensation or because the individual resides in another state or contiguous country at the time the individual files a claim for benefits in this State.

6. No denial of benefits for jury service. Benefits may not be denied to an individual solely because the individual is selected to serve as a juror. An individual who receives actual earnings for jury service must be paid a partial benefit in an amount equal to the individual's weekly benefit amount less the amount earned for jury service.

7. Benefit payments to athletes. Benefits may not be paid to an individual on the basis of any service, substantially all of which consists of participating in sports or athletic events or training or preparing to participate, for any week that commences during the period between 2 successive sports seasons or similar periods, if that individual performed those services in the first of those seasons or similar periods and there is a written reasonable assurance that the individual will perform those services in the 2nd of those seasons or similar periods.

8. Benefit payments to aliens not lawfully present. On and after January 1, 1978, benefits are not payable on the basis of services performed by an alien unless the alien is an individual who:

A. Was lawfully admitted for permanent residence in the State at the time the services were performed;

B. Was lawfully present for purposes of performing the services; or

C. Was permanently residing in the United States under color of law at the time the services were performed, including an alien who was lawfully present in the United States as a result of temporary parole pursuant to the Immigration and Nationality Act, 8 United States Code, Section 1182(d)(5).

Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status must be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, a determination that benefits to the individual are not payable because of the individual's alien status may not be made except upon a preponderance of the evidence.

9. Participation in reemployment services. An individual who has been referred to reemployment services pursuant to a profiling system established by the commissioner must participate in those services or similar services unless it is determined that the individual has completed those services or there is good cause for the individual's failure to participate.

10. Reemployment services and eligibility assessment; participation. In the case that an individual has been referred to reemployment services and eligibility assessment by the Department of Labor, the individual must participate in those services, unless the department determines there is good cause for the individual's failure to participate. Failure to participate in reemployment services and eligibility assessment without good cause results in a denial of benefits until the individual participates.

11. Temporary layoff; work search. Notwithstanding any provision of this chapter to the contrary, an otherwise eligible individual who is temporarily laid off by an employer that has given that individual a definite recall date may not be denied benefits for any week that is within 6 weeks of the definite recall date based on the individual's failure to meet the requirements of subsection 1, paragraph B, C or D for the period of up to 6 weeks during that temporary layoff, as long as the individual remains able and available to work for that employer.

An individual may not receive more than 6 weeks of benefits in a benefit year pursuant to this subsection unless approved by the Department of Labor.

Sec. 12. 26 MRSA §1193, sub-§6, as amended by PL 2013, c. 314, §2, is repealed and the following enacted in its place:

6. Falsification. For any week for which the deputy finds that the individual made a false statement or representation knowing it to be false or knowingly failed to disclose a material fact in the individual's application or solicited another person to make a false statement knowing it to be false or fail to disclose a material fact to obtain benefits from any state or federal unemployment compensation program administered by the bureau. In addition, for a first or 2nd occurrence, the individual is ineligible to receive any benefits for a period of not less than 6 months and not more than one year from the mailing date of the determination, and the commissioner shall assess a penalty of 50% of the benefits falsely obtained for the first occurrence and 75% for the 2nd occurrence. If an individual

is disqualified for a 3rd occurrence of statement falsification or misrepresentation in an effort to obtain benefits, the commissioner shall assess a penalty of 100% of the benefits falsely obtained and the individual is disqualified from receiving benefits for a period of time to be determined by the commissioner. The progression of penalties for multiple occurrences described in this subsection does not apply and an occurrence of fraud must be treated as a 3rd occurrence if:

A. A claim for benefits is the result of fraudulent filing using illegally obtained identity information. Such claims may be canceled immediately by the bureau upon confirmation of the fraudulent filing; or

B. An individual is found to have filed a claim to obtain benefits from any state or federal unemployment compensation program administered by the bureau in the name of another person using illegally obtained identity information.

An amount equal to 15% of each overpayment on which the penalties under this subsection were assessed must be transferred directly into the fund account upon recovery;

Sec. 13. 26 MRSA §1194, sub-§2, as amended by PL 2023, c. 53, §§3 and 4, is further amended to read:

2. Determination. A representative designated by the commissioner, and in this chapter 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 that benefit year in accordance with ~~section 1192, subsection 5~~ 1192-A, subsection 2, paragraph F.

The deputy shall promptly examine all subsequent claims filed and, on the basis of facts, shall determine whether or not that claim is valid with respect to ~~sections 1192~~ 1192-A and 1193, other than ~~section 1192, subsection 5~~ 1192-A, subsection 2, paragraph F, or shall refer that claim or any question involved in the claim to the Division of Administrative Hearings or to the commission, which shall make a determination with respect to the claim in accordance with the procedure described in subsection 3, except that in any case in which the payment or denial of benefits is subject to section 1193, subsection 4, the deputy shall promptly transmit a report with respect to that subsection to the Director of Unemployment Compensation upon the basis of which the director shall notify appropriate deputies as to the applicability of that subsection.

The deputy shall determine in accordance with section 1221, subsection 3, paragraph A, the proper employer's experience rating record, if any, against which benefits of an eligible individual must be charged, if and when paid.

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 30 calendar days after that notification was mailed to the claimant's ~~last-known~~ 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 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.

If an employer's separation report for an employee is not received by the office specified on the separation report within 10 days after that report was requested, the claim must be adjudicated on the basis of information at hand. If the employer's separation report containing possible disqualifying information is received after the 10-day period and the claimant is denied benefits by a revised deputy's decision, benefits paid prior to the date of the revised decision do not constitute an overpayment of benefits. Any benefits paid after the date of the revised decision constitute an overpayment.

If an employer files an amended separation report or otherwise raises a new issue as to the employee's eligibility or changes the wages or weeks used in determining benefits that results in a denial of benefits or a reduction of the weekly benefit amount, the benefits paid prior to the date the determination is mailed do not constitute an overpayment. Any benefits received after that date to which the claimant is not entitled pursuant to a new determination based on that new employer information constitute an overpayment.

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. Any fact-finding interview must be scheduled not less than 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.

A. This subsection does not apply when the claimant reports that, in the week claimed:

- (1) The claimant worked and reports a specific amount of earnings for that work;
- (2) The claimant worked and had earnings from that work, but does not furnish the amount of earnings;
- (3) The claimant reports that the claimant was not able or available for work for a specific portion of the week and there is sufficient information for the deputy to determine that the inability or unavailability for work was for good cause. If the information provided by the claimant indicated unavailability during the claim week, but is not specific as to the amount of time involved, the ~~department~~ Department of Labor shall immediately initiate a fact-finding interview with the individual and make a determination regarding the claimant's weekly benefit amount on the basis of that interview. If the department is not able to conduct an

immediate fact-finding interview with the claimant, the notification and fact-finding process described in this subsection must be followed; ~~or~~

(4) The claimant received a specific amount of other remuneration as described in section 1193, subsection 5-;

(5) The claimant reported that the claimant did not complete a work search activity for that week, and that week was not under a work search waiver approved by the bureau;

(6) The claimant failed to respond to or failed to provide sufficient documentation to satisfy a written request for documentation to verify the claimant's identity as listed on an initial claim within the time frame specified by the bureau; or

(7) The claimant's total or partial unemployment is due to a stoppage of work as described in section 1193, subsection 4.

The bureau may not withhold benefit payments pursuant to subparagraph (6) for claimants receiving benefit payments unless the bureau has credible evidence on the record that substantiates a reasonable basis for establishing an issue of potential fraud and withholding payment. If there is such evidence, the bureau shall issue timely notice to the claimant informing the claimant that benefit payments are withheld and include with that notice instructions for how the claimant may satisfy identity verification requirements and how to submit those documents to the bureau. The notice must give a reasonable time frame for submitting documents and describe the consequences for failing to provide documentation, as well as the claimants' appeal and hearing rights. The bureau shall allow individuals a reasonable time frame to submit documents that comply with an identity verification request and provide a list of acceptable documents and alternatives. The bureau shall also allow multiple means by which a claimant may submit documents for identity verification. If the claimant fails to comply with the request for documents in the time frame allowed or the documents provided are insufficient or determined to be fraudulent, the bureau shall render a timely decision denying further benefits.

Sec. 14. 26 MRSA §1194, sub-§10, as amended by PL 1987, c. 641, §12, is further amended by amending the first blocked paragraph to read:

The deputy may reconsider a benefit payment for any particular week or weeks whenever an error has occurred, but no such redetermination may be made after one year from the date of payment for that week or weeks. Notice of any such redetermination ~~shall~~ must be promptly given to the claimant. Subject to subsection 11, unless the claimant files an appeal from that redetermination within ~~45~~ 30 calendar days after that redetermination was mailed to the claimant's ~~last-known~~ last-known address, the redetermination ~~shall be~~ is final, ~~provided~~ except that the period within which an appeal may be filed may be extended for a period not to exceed an additional ~~45~~ 30 calendar days for good cause shown.

Sec. 15. 26 MRSA §1195, sub-§1, ¶A, as corrected by RR 2023, c. 2, Pt. E, §95, is amended by amending subparagraph (2) to read:

(2) The individual's benefit year having expired prior to that week, has no or insufficient wages or employment, or both, to establish a new benefit year or, subsequent to December 31, 1971, ~~the individual~~ does not qualify by having sufficient wages or employment, or both, as provided by section ~~1192, subsection~~

§ 1192-A, subsection 2, paragraph F, since the beginning of the individual's prior benefit year; and

Sec. 16. 26 MRSA §1196, as corrected by RR 2023, c. 2, Pt. E, §106, is amended to read:

§1196. Extended benefits for dislocated workers in approved training; ~~sunset and review annual report~~

1. Dislocated worker defined. As used in this section; ~~section 1043, subsection 5, paragraph B;~~ and section 1191, subsection 4, paragraph A, the term "dislocated worker" means an individual who is in training as approved by the deputy, under rules adopted by the commissioner, and:

A. An individual who:

(1) Has been terminated or laid off from employment as a result of a reduction of operations at the individual's place of employment or who has received a notice of termination or layoff from employment;

B. An individual who has been terminated or who has received a notice of termination of employment, as a result of any permanent closure of a plant or facility; or

C. An individual who is long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, including any older individual who may have substantial barriers to employment because of the individual's age.

For the purposes of this section, "deputy" has the same meaning as in section 1192-A, subsection 1, paragraph A.

1-A. Extended benefits for dislocated workers. A dislocated worker who has exhausted the worker's benefit year within 30 months of the worker's enrollment in training described in subsection 1 is entitled to the product of the worker's most recent weekly benefit amount multiplied by the number of weeks in which that person is in approved training, up to a maximum of 26 weeks, except that benefits may not be paid under this subsection to a person:

A. Until the person has exhausted benefits for which that person is eligible under any unemployment insurance benefit program funded in whole or in part by the State or the Federal Government; or

B. Who is eligible for or who has exhausted, after March 20, 1986, trade adjustment allowances as provided by the United States Trade Act of 1974, 19 United States Code, Sections 2291 to 2294 and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under that Act may receive benefits for the number of weeks by which the individual's benefits under that Act are less than 26 weeks.

2. Annual report. ~~The Commissioner of Labor~~ commissioner shall report to the joint standing committee of the Legislature having jurisdiction over labor matters before March 1st of each year regarding the actions taken under ~~section 1043, subsection 5, paragraph B, subsection 1-A~~ and section 1191, subsection 4, paragraph A. The report ~~shall~~ must include:

A. The number of persons who receive benefits under those provisions;

B. The average length of time in training for persons who receive benefits under those provisions;

C. The average weekly benefit and average total amount of benefits paid to persons under those provisions;

D. The success rate in placing trainees who receive benefits under those provisions;

E. The total cost of benefits paid under those provisions and the effect on the Unemployment Trust Fund; and

F. The number of persons participating in training while receiving extended unemployment benefits under those provisions during the report year who have previously completed a training program while receiving extended unemployment benefits under those provisions, including the length of time between those enrollments.

Sec. 17. 26 MRSA §1197, as amended by PL 2021, c. 456, §30, is repealed.

Sec. 18. 26 MRSA §1198, sub-§10, as enacted by PL 2011, c. 91, §1 and affected by §3, is amended to read:

10. Extended benefits for dislocated workers. An individual who has received all of the unemployment compensation or combined unemployment compensation and work-sharing benefits available in a benefit year is considered an exhaustee for purposes of extended benefits, as provided in section ~~1043, subsection 5, paragraph B~~ 1196, subsection 1-A, and, if otherwise eligible under that ~~paragraph subsection~~, is eligible to receive extended benefits.

Sec. 19. 26 MRSA §1199, sub-§2, as enacted by PL 2019, c. 617, Pt. B, §1, is amended to read:

2. Eligibility. An individual is deemed to have met the eligibility requirements under section ~~1192, subsections 2 and 3~~ 1192-A, subsection 2, paragraphs B, C and D as long as the individual remains able and available to work for, and maintains contact with, the relevant employer and the individual is:

A. Under a temporary medical quarantine or isolation restriction to ensure that the individual has not been affected by the subject condition of the state of emergency and is expected to return to work; or

B. Temporarily laid off due to a partial or full closure of the individual's place of employment as a result of the state of emergency and is expected to return to work once the emergency closure is lifted.

Sec. 20. 26 MRSA §1199, sub-§3, as enacted by PL 2019, c. 617, Pt. B, §1, is amended to read:

3. Waiting period waived. The waiting period requirement under section ~~1192, subsection 4-A~~ 1192-A, subsection 2, paragraph E is waived for an individual who is dislocated or temporarily laid off as a result of the state of emergency.

Sec. 21. 26 MRSA §1221, sub-§3, ¶A, as amended by PL 2019, c. 585, §1, is further amended by amending subparagraph (5) to read:

(5) Reimbursements are made to a state, the Virgin Islands or Canada for benefits paid to a claimant under a reciprocal benefits arrangement as authorized in section 1082, subsection 12, as long as the wages of the claimant transferred to the other state, the Virgin Islands or Canada under such an arrangement are less than the amount of wages for insured work required for benefit purposes by section 1192, subsection 5 1192-A, subsection 2, paragraph F;

Sec. 22. 26 MRSA §1221-A, sub-§3, as enacted by PL 1991, c. 468, §3 and affected by §6, is amended to read:

3. Reporting requirements. ~~The~~ Until January 1, 2026, the employee leasing company shall report and pay all contributions under its state employer identification number, using ~~its~~ the employee leasing company's contribution rate. Beginning January 1, 2026, the employee leasing company shall report and pay all contributions under the client company's state employer identification number using the client company's contribution rate. The employee leasing company shall keep separate records and submit separate quarterly wage reports for each of its client companies to the bureau.

Sec. 23. 32 MRSA §14055, sub-§3, as amended by PL 1995, c. 560, Pt. G, §18, is further amended to read:

3. Unemployment insurance. An employee leasing company's responsibility for unemployment insurance is governed by Title 26, section 1221-A ~~and as follows.~~

~~A. During the term of the leasing arrangement, the employee leasing company is responsible for payment of unemployment contributions, penalties and interest due pursuant to Title 26, chapter 13 on wages paid to employees leased to client companies, except for compensation paid to sole proprietors of or partners in the client company.~~

~~B. The employee leasing company shall report all unemployment contributions due under its state employer identification number, using its contribution rate. The employee leasing company shall keep separate records and submit separate quarterly wage reports to the Bureau of Unemployment Compensation for each of its client companies.~~