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S.P. 503

In Senate, April 28, 2015

An Act To Encourage Greater Efficiency in the Unemployment Insurance System

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

Heath & Print

HEATHER J.R. PRIEST Secretary of the Senate

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

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

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

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§1081. Administrative organization

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

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

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

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

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

SUMMARY

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

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

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

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