

Employment Security Law – Title 26, chapter 13

LD 1564 (Sen. Vitelli – DEPT. OF LABOR BILL)	LD 1571 (Speaker Fecteau)
<p>Sec. 1. 26 MRSA §1043, sub-§17, ¶B, as amended by PL 1991, c. 548, Pt. D, §2, is further amended to read:</p> <p>B. An individual, including corporate officers, is considered "partially unemployed" in any week of less than full-time work if the individual's wages payable from any source for such week are not \$5 \$100 or more in excess of the weekly benefit amount the individual would be entitled to receive if totally unemployed and eligible, except that remuneration payable or received as holiday pay is not considered wages for the purpose of this subsection and except that any amounts received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances, or any amounts received as a volunteer firefighter, a volunteer emergency medical services person or as an elected member of the Legislature, are not considered wages for the purpose of this subsection.</p>	<p>Sec. 1. 26 MRSA §1043, sub-§17, ¶B, as amended by PL 1991, c. 548, Pt. D, §2, is further amended to read:</p> <p>B. An individual, including corporate officers, is considered "partially unemployed" in any week of less than full-time work if the individual's wages payable from any source for such week are not \$5 or more in excess of 150% of the weekly benefit amount the individual would be entitled to receive if totally unemployed and eligible, except that remuneration payable or received as holiday pay is not considered wages for the purpose of this subsection and except that any amounts received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances, or any amounts received as a volunteer firefighter, <u>as</u> a volunteer emergency medical services person or as an elected member of the Legislature, are not considered wages for the purpose of this subsection.</p>
<p>Sec. 2. 26 MRSA §1043, sub-§17, ¶C, as amended by PL 1979, c. 515, §5, is further amended to read:</p> <p>C. An individual's week of unemployment shall be deemed to commence <u>commences</u> only after his <u>the individual's</u> registration at an employment office, except as the commission <u>commissioner</u> may by regulation <u>rule</u> otherwise prescribe.</p>	
<p>Sec. 3. 26 MRSA §1043, sub-§19, as amended by PL 2017, c. 117, §3, is further amended to read:</p>	

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

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

B. For purposes of section 1191, subsection 2, section 1192, subsection 5 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);

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

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

(2) That:

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

<p>(b) Are services performed by an employee of this State or a political subdivision thereof, or any of their instrumentalities as provided in subsection 11, paragraph A-1, subparagraph (1), or by an employee of a nonprofit educational institution that is not an institution of higher education, as provided in subsection 11, paragraph F, subparagraph (17), division (i);</p> <p>except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services;</p> <p>D. Nothing in this subsection may be construed to include as wages any payment that is not included as wages under the Federal Unemployment Tax Act, 26 United States Code, Section 3306(b)(5) and (r), as amended, as of January 1, 1985; and</p> <p>E. Nothing in this subsection may be construed to exclude from wages any remuneration that is:</p> <p>(1) Taxable under any federal law that imposes a tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or</p> <p>(2) Required to be covered under this chapter as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act.</p>	
<p>Sec. 4. 26 MRSA §1043, sub-§20 is amended to read:</p> <p>20. Week. "Week" means such period or periods of 7 calendar days as the commissioner <u>commissioner</u> may by regulation <u>rule</u> prescribe. The commissioner <u>commissioner</u> may, by regulation <u>rule</u>, prescribe that a week shall be <u>is</u> deemed to be "in," "within" or "during" a benefit year which <u>that</u> includes any part of such week.</p>	
	<p>Sec. 2. 26 MRSA §1044, sub-§1, as amended by PL 1979, c. 515, §6, is further amended to read:</p> <p>1. Waiver of rights void; penalty. Any agreement by an individual to waive, release or commute his <u>the individual's</u> rights to</p>

	<p>benefits or any other rights under this chapter shall be <u>is</u> void. Any agreement by an individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this chapter from such employer, shall be <u>is</u> void. No <u>An</u> employer shall <u>may not</u> directly or indirectly make or require or accept any deduction from wages to finance the employer's <u>required</u> contributions required from him, or require or accept any waiver of any right hereunder by any individual in his <u>the employer's employ or</u> <u>discourage or otherwise deter any individual from applying for or receiving unemployment compensation benefits.</u></p> <p>Any employer or officer or agent of an employer who violates any provision of this subsection shall <u>is</u>, for each offense, be guilty of a Class E crime <u>and liable to an employee whose rights are adversely affected by a violation of this section for any amount of unpaid unemployment compensation benefits that the employee would otherwise have received.</u></p> <p><u>A judgment rendered in favor of an employee in an action brought to recover unpaid unemployment compensation benefits under this section must include the unpaid unemployment compensation benefits at a reasonable rate of interest, the costs of suit including a reasonable attorney's fee and an additional amount equal to twice the amount of unpaid unemployment compensation benefits as liquidated damages.</u></p>
<p>Sec. 5. 26 MRSA §1050, as amended by PL 1979, c. 579, §8 and c. 651, §§9 and 47, is further amended to read:</p> <p>§1050. Constitutionality</p> <p>If at any time the provisions of this chapter requiring the payment of contributions and benefits have been held invalid under the Constitution of this State <u>Maine</u> by the Supreme Judicial Court of this State or under the United States Constitution by the Supreme Court of the United States in such manner that any person or concern required to pay contributions under this chapter might secure a similar decision, or that the tax imposed by Title</p>	

<p>IX of the <u>federal</u> Social Security Act, as amended, or any other federal tax against which contributions under this chapter may be credited has been amended or repealed by Congress or has been held unconstitutional by the Supreme Court of the United States, with the result that no portion of the contributions required by this chapter may be credited against such federal tax, the Governor shall forthwith publicly so proclaim and upon the date of such proclamation the provisions of this chapter requiring the payment of contributions and benefits shall <u>must</u> be suspended. The commissioner shall thereupon requisition from the Unemployment Trust Fund all moneys therein standing to his <u>the commissioner's</u> credit and shall direct the Treasurer of State to deposit such moneys, together with any other moneys in the fund, as a special fund in any banks or public depositories in this State in which general funds of the State may be deposited, and to hold such moneys for such disposition as the Legislature shall <u>may</u> prescribe. The commissioner shall thereupon refund, as the Legislature shall <u>may</u> prescribe, without interest and in accordance with regulations <u>rules</u> prescribed by the commission <u>commissioner</u>, to each person or concern by whom contributions have been paid, their pro rata share of the total contributions paid under this chapter. Any interest or earnings of the fund shall <u>must</u> be available to the commissioner to pay for the costs of making such refunds. When the commissioner shall have <u>has</u> executed the duties prescribed and performed such other acts as are incidental to the termination of his <u>the commissioner's</u> duties under this chapter, the Governor shall by proclamation declare that this chapter shall cease <u>ceases</u> to be operative.</p>	
<p>Sec. 6. 26 MRSA §1051, sub-§5, as amended by PL 1997, c. 293, §4, is further amended to read:</p> <p>5. Refusal to repay erroneous payments; waiver of repayment. If, after due notice, any person refuses to repay amounts erroneously paid to that person as unemployment benefits, the amounts due from that person are collectible in the manner provided in subsection 6 or in the discretion of the commission <u>commissioner or the commissioner's designee</u>, the amount erroneously paid to such person may be deducted from any future benefits</p>	

<p>payable to that person under this chapter; provided except that there is no recovery of payments from any person who, in the judgment of at least 2 commission members <u>the commissioner or the commissioner's designee</u>, is without fault and where <u>when</u>, in the judgment of the commission <u>commissioner or the commissioner's designee</u>, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No recovery may be attempted until the determination of an erroneous payment is final as to law and fact and the individual has been notified of the opportunity for a waiver under this subsection.</p>	
	<p>Sec. 3. 26 MRSA §1051, sub-§9, as enacted by PL 1999, c. 464, §4, is repealed.</p> <p>9. Interest on overpayments. Benefit payments owed to the commissioner bear interest at the rate of 1.0% per month or per fraction of a month. Except as provided in this subsection, interest accrues on any balance that remains unpaid one year after the first of the month following the date the determination establishing the benefit overpayment becomes final until payment plus accrued interest is received by the bureau. If the benefit overpayment was established in a determination rendered under section 1193, subsection 6, interest accrues from the first of the month following the date the determination establishing the benefit overpayment becomes final until payment plus accrued interest is received by the bureau.</p>
<p>Sec. 7. 26 MRSA §1082, sub-§1, as amended by PL 1995, c. 560, Pt. G, §11, is further amended to read:</p> <p>1. Powers and duties of the commissioner. Except as otherwise provided, it is the duty of the Commissioner of Labor <u>commissioner</u> 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</p>	

<p>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, except rules pertaining to unemployment insurance as provided in subsection 2. 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.</p>	
<p>Sec. 8. 26 MRSA §1082, sub-§2, as amended by PL 2003, c. 452, Pt. O, §3 and affected by Pt. X, §2, is further amended to read:</p> <p>2. Powers and duties. In addition to other powers and duties provided in this chapter, the commission, by majority vote and with the advice of the commissioner, may adopt or rescind rules with respect to unemployment insurance in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The commission may require reports, make investigations and undertake other activities necessary to carry out the duties of the commission. Each member of the commission is entitled to access to any information, memoranda, reports or statistical data that is in the possession of or that has been prepared by a division of the Department of Labor and that relates to the administration of this chapter.</p>	

<p>Sec. 9. 26 MRSA §1082, sub-§13, as amended by PL 2015, c. 39, §1, is further amended to read:</p> <p>13. Filing payroll reports; penalty. The commission <u>commissioner</u> may prescribe rules for the filing of payroll reports for the employing units in the State. Each employing unit shall submit a quarterly payroll report by electronic submission or on forms prescribed by the bureau. These quarterly reports are due in the office of the bureau, or of any duly constituted agent of the bureau, on or before the last day of the month following the close of the calendar quarter for which the reports relate. The failure on the part of any employing unit to file the payroll reports within this time frame renders the employing unit liable for a penalty of \$25 or 10% of the tax due, whichever is greater.</p> <p>In the case of executive, administrative and professional employees, and outside sales representatives, as defined in Part 541 of the Rules and Regulations promulgated under the <u>federal</u> Fair Labor Standards Act of 1938, as amended as of June 30, 1971, the commissioner, upon the request of an employer of those individuals, may approve an alternative method for obtaining from that employer necessary wage information relative to those employees.</p>	
	<p>Sec. 4. 26 MRSA §1086 is enacted to read:</p> <p><u>§1086. Report on effectiveness of unemployment compensation</u></p> <p><u>1. Annual measurement of effectiveness of unemployment compensation.</u> The bureau shall implement an ongoing system to <u>measure the effectiveness of unemployment compensation benefits on an annual basis by:</u></p> <p><u>A. Identifying the percentage of unemployed individuals receiving unemployment compensation benefits, examining the demographics of eligible individuals and determining the reasons why unemployed individuals are not receiving benefits, including the demographics of those individuals; and</u></p>

B. Determining the adequacy of unemployment compensation benefits to replace wages and meet necessary living expenses for high-wage, medium-wage and low-wage earners.

2. Benchmarks established. The bureau shall annually establish benchmarks to:

A. Target increases in the percentage of unemployed individuals receiving unemployment compensation benefits, with the goal of covering at least 50% of unemployed individuals by 2025; and

B. Ensure that the average weekly unemployment compensation benefit amount is sufficient to raise a family of 3 above the federal poverty level for a family of that size.

3. Report. By March 15, 2022 and annually thereafter, the bureau shall report to the joint standing committee of the Legislature having jurisdiction over labor and housing matters on:

A. The benchmarks established under subsection 2 for the preceding year and the progress in meeting the benchmarks;

B. A comparison of the percentage of unemployed individuals receiving unemployment compensation benefits in this State and the adequacy of those benefits compared to those provided in other New England states;

C. Demographics of individuals receiving unemployment compensation benefits, including employment history, age, gender, income, geographic location, ethnicity and race, and an estimate of the percentage of unemployed individuals and the demographics of those that did not receive benefits; and

D. Proposed benchmarks for the subsequent year.

If the bureau fails to meet its benchmarks for the preceding year, it shall identify the obstacles that prevented it from reaching those benchmarks and present a plan for addressing those obstacles to the joint standing committee along with any necessary legislation to implement that plan for the subsequent year.

The report under this subsection must also include notice of, and the rationale for, any reduction in aggregate funding for navigator grants

	<p><u>provided in section 1200 when such funding is reduced by an amount equal to or more than 25% of the prior year's funding.</u></p> <p>4. Public hearing required. <u>When the bureau presents a plan under subsection 3 to the joint standing committee of the Legislature having jurisdiction over labor and housing matters, the joint standing committee shall conduct a public hearing on the bureau's plan and may introduce any legislation that the joint standing committee determines necessary to improve the bureau's ability to reach its benchmarks for subsequent years.</u></p>
<p>Sec. 10. 26 MRSA §1162, as repealed and replaced by PL 1979, c. 579, §19 and c. 651, §§20 and 47, is amended to read:</p> <p>§1162. Withdrawals</p> <p>Moneys shall <u>must</u> be requisitioned from the state's <u>State's</u> account in the Unemployment Trust Fund solely for the payment of benefits and for the payment of refunds pursuant to section 1043, subsection 11, paragraph F, subparagraph (2) and section 1225 in accordance with regulations <u>rules</u> prescribed by the commission <u>commissioner</u>. The commissioner shall from time to time requisition from the Unemployment Trust Fund the amounts, not exceeding the amounts standing to this state's <u>State's</u> account therein, as he deems <u>the commissioner considers</u> necessary for the payment of the benefits and refunds for a reasonable future period. Upon receipt thereof the Treasurer of State shall deposit the moneys in the benefit account and warrants shall <u>must</u> be issued for the payment of benefits and refunds solely from the benefit account. All warrants issued for the payment of benefits and refunds shall <u>must</u> bear the signature of the commissioner or his <u>the commissioner's</u> duly authorized agent for that purpose. When so signed and delivered to the payee, the warrants shall become a check against a designated bank or trust company acting as a depository of the State Government. The commission shall be <u>commissioner is</u> the final judge of the legality or propriety of any award of benefits, or the amount thereof, appearing in any such warrant prepared by the commissioner, subject only</p>	

<p>to the right of appeal as provided in section 1194, subsections 8 and 9. Any balance of moneys requisitioned from the Unemployment Trust Fund which <u>that</u> remains unclaimed or unpaid in the benefit account after the expiration of the period for which the sums were requisitioned shall <u>must</u> either be deducted from estimates for, and may be utilized for the payment of, benefits and refunds during succeeding periods; or, in the discretion of the commissioner, shall be redeposited with the <u>United States</u> Secretary of the Treasury of the United States of America, to the credit of this state's <u>State's</u> account in the Unemployment Trust Fund, as provided in section 1161.</p>	
<p>Sec. 11. 26 MRSA §1191, sub-§1 is amended to read:</p> <p>1. Payment of benefits. Benefits shall <u>must</u> be paid from the Unemployment Compensation Fund through public employment offices or such other agencies as the commission <u>commissioner</u> may by regulation <u>rule</u> prescribe, and in accordance with such regulations <u>rules</u> as the commission <u>commissioner</u> may prescribe.</p>	
<p>Sec. 12. 26 MRSA §1191, sub-§6, as corrected by RR 2009, c. 2, §77, is amended to read:</p> <p>6. Supplemental benefit for dependents. An individual in total or partial unemployment and otherwise eligible for benefits must be paid for each week of that unemployment, in addition to the amounts payable under subsections 2 and 3, the sum of \$10 <u>\$25</u> for each unemancipated child of the individual who in any part of the benefit year and during any part of the individual's period of eligibility is, in fact, dependent upon and is being wholly or mainly supported by the individual, and who is under the age of 18, or who is 18 years of age or over and incapable of earning wages because of mental or physical incapacity, or who is a full-time student as defined in Title 39-A, section 102, subsection 8, paragraph C, or who is in that individual's custody pending the adjudication of a petition filed by the individual for the adoption of the child in a court of competent jurisdiction and for each such child for whom that individual is under a decree or order from a court of competent jurisdiction to contribute to that child's support</p>	

<p>and for whom no other person is receiving allowances hereunder. In no instance may the dependency benefits as provided in this subsection be more than 50% <u>60%</u> of the individual's weekly benefit amount.</p> <p>The commission <u>commissioner</u> shall prescribe regulations <u>rules</u> as to who may receive a dependency allowance when both spouses are eligible to receive unemployment compensation benefits.</p> <p>No individual may be eligible to receive dependency allowances as provided in this subsection for any week during which that individual's spouse is employed full time provided that the spouse is contributing some support to their dependent or dependents. For purposes of this subsection, "employed full time" means the receipt of any wages, earnings, salary or other income equivalent to that amount that would be received for a 40-hour work-week <u>workweek</u>.</p>	
	<p>Sec. 5. 26 MRSA §1191, sub-§3, as amended by PL 2017, c. 284, Pt. CCCCC, §1, is further amended to read:</p> <p>3. Weekly benefit for partial unemployment. Each eligible individual who is partially unemployed in any week must be paid a partial benefit for that week. The partial benefit is equal to the weekly benefit amount less the individual's weekly earnings in excess of \$25, except that, beginning the first full benefit week beginning on or after January 1, 2018, the partial benefit is equal to the weekly benefit amount less the individual's weekly earnings in excess of <u>the greater of \$100 or 50% of gross wages</u>. The following amounts are not considered wages for purposes of this subsection:</p> <ul style="list-style-type: none">A. Amounts received from the Federal Government by a member of the National Guard and organized reserve, including base pay and allowances;B. Amounts received as a volunteer firefighter or as a volunteer emergency medical services person;C. Amounts received as an elected member of the Legislature; and

	<p>D. Earnings for the week received as a result of participation in full-time training under the United States Trade Act of 1974 as amended by the United States Trade and Globalization Adjustment Assistance Act of 2009 up to an amount equal to the individual's most recent weekly benefit amount.</p>
<p>Sec. 12. 26 MRSA §1191, sub-§6, as corrected by RR 2009, c. 2, §77, is amended to read:</p> <p>6. Supplemental benefit for dependents. An individual in total or partial unemployment and otherwise eligible for benefits must be paid for each week of that unemployment, in addition to the amounts payable under subsections 2 and 3, the sum of \$10 <u>\$25</u> for each unemancipated child of the individual who in any part of the benefit year and during any part of the individual's period of eligibility is, in fact, dependent upon and is being wholly or mainly supported by the individual, and who is under the age of 18, or who is 18 years of age or over and incapable of earning wages because of mental or physical incapacity, or who is a full-time student as defined in Title 39-A, section 102, subsection 8, paragraph C, or who is in that individual's custody pending the adjudication of a petition filed by the individual for the adoption of the child in a court of competent jurisdiction and for each such child for whom that individual is under a decree or order from a court of competent jurisdiction to contribute to that child's support and for whom no other person is receiving allowances hereunder. In no instance may the dependency benefits as provided in this subsection be more than 50% <u>60%</u> of the individual's weekly benefit amount. The commission <u>commissioner</u> shall prescribe regulations <u>rules</u> as to who may receive a dependency allowance when both spouses are eligible to receive unemployment compensation benefits. No individual may be eligible to receive dependency allowances as provided in this subsection for any week during which that individual's spouse is employed full time provided that the spouse is contributing some support to their dependent or dependents. For purposes of this subsection, "employed full time" means the receipt of any wages, earnings, salary or</p>	<p>Sec. 6. 26 MRSA §1191, sub-§6, as corrected by RR 2009, c. 2, §77, is amended to read:</p> <p>6. Supplemental benefit for dependents. An individual in total or partial unemployment and otherwise eligible for benefits must be paid for each week of that unemployment, in addition to the amounts payable under subsections 2 and 3, the sum of \$10 <u>\$25</u> for each unemancipated child of the individual who in any part of the benefit year and during any part of the individual's period of eligibility is, in fact, dependent upon and is being wholly or mainly supported by the individual, and who is under the age of 18, or who is 18 years of age or over and incapable of earning wages because of mental or physical incapacity, or who is a full-time student as defined in Title 39-A, section 102, subsection 8, paragraph C, or who is in that individual's custody pending the adjudication of a petition filed by the individual for the adoption of the child in a court of competent jurisdiction and for each such child for whom that individual is under a decree or order from a court of competent jurisdiction to contribute to that child's support and for whom no other person is receiving allowances hereunder. In no instance may the dependency benefits as provided in this subsection be more than 50% <u>75%</u> of the individual's weekly benefit amount. The commission shall prescribe regulations as to who may receive a dependency allowance when both spouses are eligible to receive unemployment compensation benefits. No individual may be eligible to receive dependency allowances as provided in this subsection for any week during which that individual's spouse is employed full time provided that the spouse is</p>

<p>other income equivalent to that amount that would be received for a 40-hour work week <u>workweek</u>.</p>	<p>contributing some support to their dependent or dependents. For purposes of this subsection, "employed full time" means the receipt of any wages, earnings, salary or other income equivalent to that amount that would be received for a 40-hour work week.</p>
<p>Sec. 13. 26 MRSA §1192, sub-§1, as amended by PL 1975, c. 344, §1, is further amended to read:</p> <p>1. Has claim for benefits. He <u>The individual</u> has made a claim for benefits with respect to such week or part thereof in accordance with such regulations <u>rules</u> as the commission <u>commissioner</u> may prescribe;</p>	
<p>Sec. 14. 26 MRSA §1192, sub-§2, as amended by PL 2013, c. 314, §1, is further amended to read:</p> <p>2. Has registered for work. The individual has registered for work at, and continued to report at, an employment office in accordance with rules the commission <u>commissioner</u> adopts, except that the commission <u>commissioner</u> may, by rule, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commission <u>commissioner</u> finds that compliance with the requirements would be oppressive, or would be inconsistent with the purposes of this chapter. A rule under this subsection may not conflict with section 1191, subsection 1. The individual must actively seek work each week in which a claim for benefits is filed unless the individual is participating in approved training under subsection 6 or work search has been waived in accordance with rules adopted by the commission <u>commissioner</u> and provide 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 no documentation was provided unless the department determines there is good cause for the individual's failure to comply with this requirement;</p>	

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

3. Is able and available for work. The individual is able to work and is available for full-time work at the individual's usual or customary 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, as long as the geographic region in which the work will take place is not greater than 35 miles from the individual's primary residence; and in addition to having complied with subsection 2 is actively seeking work in accordance with the ~~regulations~~ rules of the ~~commission~~ commissioner; ~~provided except~~ that no ineligibility may be found solely because the claimant 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 ~~handicapped person~~ with a disability; and ~~provided except~~ that 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 available.

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

- (1) The individual worked less than full time for a majority of the weeks during that individual's base period and the individual is able and available for and actively seeking part-time work for at least the number of hours in a week comparable to those customarily worked in part-time employment during that individual's base period; or
- (2) The individual worked full time for a 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 an immediate family member or because of limitations

<p>necessary for the safety or protection of the individual or individual's immediate family member.</p>	
	<p>Sec. 7. 26 MRSA §1192, sub-§4-A, as enacted by PL 1981, c. 220, is repealed.</p> <p>4-A. Has served a waiting period. For each eligible individual establishing a benefit year on or after May 10, 1981, he has served a waiting period of one week of total or partial unemployment. No week may be counted as a week of total or partial unemployment for the purpose of this subsection:—</p> <p style="padding-left: 40px;">A. If benefits have been paid with respect to that week; [PL 1981, c. 220 (NEW).]</p> <p style="padding-left: 40px;">B. Unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits; and [PL 1981, c. 220 (NEW).]</p> <p style="padding-left: 40px;">C. 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 subsection; [PL 1981, c. 220 (NEW).]</p>
<p>Sec. 17. 26 MRSA §1192, sub-§6-C, as amended by PL 2013, c. 474, §2, is further amended to read:</p> <p>6-C. Prohibition against disqualification of individuals in approved training under section 1196. Notwithstanding any other provision of this chapter <u>to the contrary</u>, no otherwise eligible individual may be denied benefits for any week because that individual is in training as approved by the deputy, under rules adopted by the commission with the advice and consent of the commissioner, nor may that individual be denied benefits by reason of leaving work to enter that training, as long as the work left is not suitable employment.</p> <p>For purposes of this subsection, "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the</p>	

<p>individual's past adversely affected employment, and "the deputy" means a representative from the bureau designated by the commissioner.</p>	
<p>Sec. 18. 26 MRSA §1192, 2nd ¶, as amended by PL 2017, c. 453, §5, is further amended to read:</p> <p>For purposes of subsections 2, 3, 12 and 13, "good cause" means the unemployed individual is ill; the presence of the unemployed individual is required due to an illness of the unemployed individual's spouse, children, parents, stepparents, brothers or sisters, or relatives who have been acting in the capacity of a parent of either the unemployed individual or the unemployed individual's spouse; the unemployed individual is in attendance at the funeral of such a relative; the unemployed individual is observing a religious holiday as required by religious conviction; the unemployed individual is performing either a military or civil duty as required by law; or other cause of a necessitous and compelling nature, including child care emergencies and transportation emergencies. If an unemployed individual has completed reemployment services and eligibility assessment with the Department of Labor within the prior 5 years, that individual is considered to have good cause for not participating in reemployment services and eligibility assessment under subsections 12 and 13. "Good cause" does not include incarceration as a result of a conviction for a felony or misdemeanor.</p>	
<p>Sec. 19. 26 MRSA §1193, sub-§1, ¶A, as amended by PL 2017, c. 117, §6, is further amended to read:</p> <p>A. For the week in which the claimant left regular employment voluntarily without good cause attributable to that employment. The disqualification continues until the claimant has earned 4 times the claimant's weekly benefit amount in employment by an employer. A claimant may not be disqualified under this paragraph if:</p> <p>(1) The leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant's employment status</p>	<p>Sec. 8. 26 MRSA §1193, sub-§1, as amended by PL 2017, c. 117, §§6 to 8, is further amended to read:</p> <p>1. Voluntarily leaves work.</p> <p>A. For the week in which the claimant left regular employment voluntarily without good cause attributable to that employment <u>or other compelling and substantial reason not directly attributable to employment but which would cause a reasonable person to leave work under similar circumstances.</u> The disqualification continues until the claimant has earned 4 times the claimant's</p>

by promptly notifying the employer of the need for time off, a change or reduction in hours or a shift change and being advised by the employer that the time off or change or reduction in hours or shift change cannot or will not be accommodated;

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

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

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

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

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

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

weekly benefit amount in employment by an employer. A claimant may not be disqualified under this paragraph if:

- (1) The leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant's employment status by promptly notifying the employer of the need for time off, a change or reduction in hours or a shift change and being advised by the employer that the time off or change or reduction in hours or shift change cannot or will not be accommodated;
- (2) The leaving was necessary to accompany, follow or join the claimant's spouse in a new place of residence;
- (3) The leaving was in good faith in order to accept new employment on a permanent full-time basis and the new employment did not materialize for reasons attributable to the new employing unit;
- (4) The leaving was necessary to protect the claimant or any member of the claimant's immediate family from domestic abuse or the leaving was due to domestic violence that caused the claimant reasonably to believe that the claimant's continued employment would jeopardize the safety of the claimant or any member of the claimant's immediate family and the claimant made all reasonable efforts to preserve the employment; ~~or~~
- (5) The claimant's employer announced in writing to employees that it planned to reduce the work force through a layoff or reduction in force and that employees may offer to be among those included in the layoff or reduction in force, at which time the claimant offered to be one of the employees included in the layoff or reduction in force and the claimant's employer accepted the claimant's offer, thereby ending the employment relationship; or

	<p><u>(6) The leaving was the result of the loss of child care or transportation when no reasonable alternatives were available within the time necessary to maintain employment.</u></p> <p>Separation from employment based on the compelling family reasons, including those listed in subparagraphs (1), (2) and, (4) and (6) does not result in disqualification.</p> <p>B. For the duration of his <u>a claimant's</u> unemployment period subsequent to his <u>the claimant's</u> having retired; or having been retired from his regular employment as a result of a recognized employer policy or program, under which he <u>the claimant</u> is entitled to receive pension payments, if so found by the deputy, and disqualification shall continue <u>continues</u> until <u>the</u> claimant has earned 6 times his <u>the claimant's</u> weekly benefit amount in employment by an employer;</p> <p>C. For the duration of a leave of absence or sabbatical leave that has been mutually agreed to by the employee and the employer; <u>and</u></p> <p>D. For the duration of a partial separation or reduction of hours initiated at the employee's request and agreed to by the employee and employer;</p>
<p>Sec. 20. 26 MRSA §1194, sub-§1 is amended to read:</p> <p>1. Filing. Claims for benefits shall <u>must</u> be made in accordance with such regulations <u>rules</u> as the commission <u>commissioner</u> may prescribe. Each employer shall post and maintain printed statements of the regulations <u>rules</u> in places readily accessible to individuals in his <u>the employer's</u> service and shall make available to each such individual at the time he <u>the individual</u> becomes unemployed a printed statement of those regulations <u>rules</u>. The printed statements shall <u>must</u> be supplied by the commissioner to each employer without cost to him <u>the employer</u>.</p>	
<p>Sec. 21. 26 MRSA §1194, sub-§1-A, ¶C, as enacted by PL 1999, c. 376, §1, is amended by amending subparagraph (1) to read:</p>	

<p>(1) Whose earnings or earnings plus holiday pay for the week exceed the maximum weekly benefit amount plus \$5 <u>\$100</u>; or</p>	
<p>Sec. 22. 26 MRSA §1194, sub-§2, as amended by PL 2003, c. 163, §1, is further amended by amending the 6th blocked paragraph to read: 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 shall <u>must</u> 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 fact-finding interview must be scheduled not less than 5 days nor more than 14 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 appeared at <u>participated in</u> the interview <u>by telephone or e-mail or other electronic means</u>. 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.</p>	
<p>Sec. 23. 26 MRSA §1194, sub-§3, as amended by PL 1987, c. 641, §8, is further amended to read:</p>	

<p>3. Appeals. Unless such appeal is withdrawn, the Division of Administrative Hearings after affording the parties reasonable opportunity for fair hearing, shall affirm, modify or set aside the findings of fact and decision of the deputy. The parties shall <u>must</u> be then duly notified of the division's decision, together with its reasons therefor, which subject to subsection 11 shall be <u>is</u> deemed to be the final decision of the commission unless, within 15 calendar days after that notification was mailed to his <u>the claimant's and employer's</u> last known address, the claimant and <u>or</u> employer may appeal <u>appeals</u> to the commission by filing an appeal in accordance with such rules as the commission shall prescribe <u>commissioner prescribes</u>, provided that as long as the appealing party appeared at the hearing and was given notice of the effect of the failure to appear in writing prior to the hearing.</p>	
<p>Sec. 24. 26 MRSA §1194, sub-§6, as repealed and replaced by PL 1977, c. 694, §474, is amended to read:</p> <p>6. Procedure. The manner in which disputed claims shall <u>must</u> be presented, and the reports thereon required from the claimant and from employers shall <u>must</u> be in accordance with regulations <u>rules</u> prescribed by the commission <u>commissioner</u>. The conduct of hearings and appeals shall <u>must</u> be in accordance with Title 5, section 8001 et seq <u>chapter 375</u>.</p>	
	<p>Sec. 9. 26 MRSA §1194-A is enacted to read:</p> <p><u>§1194-A. Expedited unemployment claims; mass layoff or reduction in hours</u></p> <p><u>1. Employer application assistance.</u> When an employer required to make contributions to the Unemployment Compensation Fund under this chapter lays off or reduces the hours of employment for more than 25% of the employer's employees at an establishment or facility where such employees were employed at the time of the layoff or reduction in hours, the employer shall file an initial claim for unemployment compensation benefits, along with all wage and other information needed to process the claim, on behalf of each such</p>

	<p><u>employee in accordance with rules adopted by the Department of Labor. The employer shall notify each employee on behalf of whom the employer filed a claim for unemployment compensation benefits under this section of the filing of the claim. The department shall obtain authorization from the employee on whose behalf an employer filed a claim for unemployment compensation benefits before processing the claim or paying unemployment compensation benefits under this section. Once the department obtains authorization from the employee, it shall process the claim and pay benefits in accordance with this chapter.</u></p> <p><u>2. Claim for benefits.</u> <u>If an employer fails to file a timely claim for unemployment compensation benefits for an employee in accordance with this section, and the employee does not file a timely claim for unemployment compensation benefits for that separation, the employee's claim is deemed to have been filed on the Sunday of the initial week the employee would have otherwise been eligible to receive unemployment compensation benefits following that separation. The employer has the burden of demonstrating compliance with the provisions of this section.</u></p> <p><u>3. Penalty.</u> <u>Each failure of an employer to file a claim for unemployment compensation benefits in accordance with this section constitutes a separate offense. The Department of Labor shall issue a warning to the employer for the first violation. The department shall assess a fine, in accordance with rules adopted by the department, for each subsequent offense.</u></p>
<p>Sec. 25. 26 MRSA §1195, sub-§1-A is enacted to read:</p> <p><u>1-A. Alternate trigger.</u> <u>In addition to the conditions provided in subsection 1, paragraphs H and I with respect to weeks of unemployment beginning on or after January 1, 2022, the determination of whether there has been a state "on" indicator or a state "off" indicator beginning or ending any extended benefit period must be made under this subsection if:</u></p>	

<p><u>A. The average rate of seasonally adjusted total unemployment in this State, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of that week equals or exceeds 6.5%; and</u></p> <p><u>B. The average rate of seasonally adjusted total unemployment in this State, as determined by the United States Secretary of Labor, for the 3-month period referred to in paragraph A equals or exceeds 110% of the average rate for either or both of the corresponding 3-month periods ending in the 2 preceding calendar years.</u></p> <p><u>There is a state "off" indicator for a week based on the rate of seasonally adjusted total unemployment in this State, as determined by the United States Secretary of Labor, only if the period consisting of the most recent 3 months for which data for all states are published before the close of such week does not result in a state "on" indicator.</u></p>	
<p>Sec. 26. 26 MRSA §1195, sub-§2, as enacted by PL 1971, c. 119, is amended to read:</p> <p>2. Effect of state law provisions relating to regular benefits on claims for, and the payment of, extended benefits. Except when the result would be inconsistent with the other provisions of this subchapter, as provided in the regulations <u>rules</u> of the commission <u>commissioner</u>, the provisions of this chapter which that apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.</p>	
<p>Sec. 27. 26 MRSA §1195, sub-§5-A is enacted to read:</p> <p><u>5-A. Total extended benefit amount in high unemployment period.</u></p> <p><u>With respect to weeks of unemployment beginning on or after January 1, 2022, effective with respect to weeks beginning in a high unemployment period, subsection 5 must be applied by substituting:</u></p> <p><u>A. "Eighty percent" for "50%" in paragraph A;</u></p> <p><u>B. "Twenty" for "13" in paragraph B; and</u></p>	

<p>C. "Forty-six" for "39" in paragraph C. <u>For purposes of this subsection, "high unemployment period" means any period during which an extended benefit period would be in effect if subsection 1-A, paragraph A were applied by substituting "8%" for "6.5%."</u></p>	
<p>Sec. 28. 26 MRSA §1197, sub-§8-B, ¶B-1, as enacted by PL 2005, c. 39, §1, is amended to read: B-1. A person aggrieved by the decision of the hearing officer may appeal to the commission by filing an appeal in accordance with rules established by the commission <u>commissioner</u> as long as the appealing party participated in the hearing by that hearing officer and was given notice of the effect of the failure to participate in writing prior to the hearing.</p>	
	<p>Sec. 10. 26 MRSA §1198, sub-§1-A is enacted to read: <u>1-A. Improving the efficiency and effectiveness of the work-sharing program. To improve the efficiency and effectiveness of the work-sharing program, the commissioner shall:</u> <u>A. Employ a work-sharing manager and dedicate staff resources to ensure prompt processing of employer applications and respond to questions related to the work-sharing program from both employers and employees;</u> <u>B. Consult with representatives of employers and employees to establish and carry out a plan for effective outreach and education to increase the use of the work-sharing program;</u> <u>C. Track the experience of employers and participants in the work-sharing program and generate metrics that will inform decisions about how best to improve the program, including how to target work-sharing outreach and information; and</u> <u>D. Conduct industry research to identify employers that may derive some value from work-sharing and conduct targeted outreach to those employers identifying the potential benefit of the work-sharing program to them.</u></p>

	<p>Sec. 11. 26 MRSA §1198, sub-§3, as enacted by PL 2011, c. 91, §1 and affected by §3, is amended to read:</p> <p>3. Approval or rejection of the work-sharing plan. The commissioner shall approve or reject a work-sharing plan in writing <u>within 15 days of receipt of the plan</u>. The commissioner's decision is final and not subject to appeal. The eligible employer may submit another work-sharing plan for approval, and a determination must be made based upon the new information submitted by the eligible employer.</p>
	<p>Sec. 12. 26 MRSA §1199, sub-§3, as enacted by PL 2019, c. 617, Pt. B, §1, is repealed.</p> <p>Sec. 13. 26 MRSA §1200 is enacted to read:</p> <p><u>§1200. Peer navigator program</u></p> <p><u>1. General requirements.</u> No later than January 1, 2022, the commissioner shall <u>establish the peer navigator program in accordance with this section to award navigator grants to qualified entities; to raise awareness of the availability of unemployment compensation benefits among underserved individuals and assist those individuals in accessing those benefits; to promote access to reemployment services, including education and training opportunities; to assist unemployed and underemployed individuals in accessing resources necessary to meet their basic needs during the reemployment process; and to identify systemic obstacles to receiving benefits or services necessary to support successful reemployment efforts.</u> The commissioner shall also provide appropriate support from bureau staff to entities receiving navigator grants under this section, including support resolving the issues of individual claimants and systemic issues that present barriers to timely receipt of unemployment compensation benefits or other reemployment services. Funding for these purposes, including for</p>

additional bureau staff that may be needed, is as provided in subsection 4.

2. Qualified entities. To be eligible to receive a navigator grant under this section, an entity must:

A. Demonstrate that it has existing peer relationships or could readily establish such relationships with unemployed or underemployed individuals;

B. Have the capability to carry out the duties of this section, including knowledge of eligibility requirements, application processes and other substantive provisions and processes related to the unemployment compensation program, reemployment services, education and training services and other resources necessary to help unemployed or underemployed individuals increase their economic security;

C. Maintain strict confidentiality standards to ensure the privacy of all information collected from individuals receiving navigator services; and

D. Provide navigator services under this section without charge to the individual receiving those services.

3. Commissioner's duties; award criteria; navigator services.

The commissioner shall establish standards for the awarding of navigator grants to qualified entities in accordance with this subsection.

A. The commissioner may award multiple grants to perform one or more of the navigator services described in this section if the grants are distributed in a manner that best achieves the comprehensive purpose of the peer navigator program throughout the State.

B. To support the maintenance of relationships between qualified entities and unemployed and underemployed individuals and to ensure a high quality of service, the commissioner shall award grants to qualified entities for multiple-year periods in accordance with state purchasing standards under Title 5, chapter 155.

Multiple-year grants are subject to a qualified entity satisfying performance standards set forth in the grant award.

C. The commissioner shall give priority for navigator grants to a qualified entity that:

(1) Has an organizational mission that requires them to represent the interest of unemployed or underemployed individuals;

(2) Represents a membership base of workers; or

(3) Is a recognized source of support or advocacy for underserved groups including racial and ethnic minorities, persons with low literacy and persons with disabilities.

D. Navigator services provided by qualified entities that receive navigator grants must be coordinated with and supplement, not supplant, services provided by the Department of Labor.

E. The commissioner shall ensure that the following navigator services are provided through qualified entities awarded navigator grants in accordance with this section and that these navigator services are coordinated throughout the State:

(1) Outreach to identify individuals who are potentially eligible for unemployment compensation benefits but who may be unaware of their eligibility, including public relations activities using media or similar techniques;

(2) Targeted public education initiatives related to eligibility requirements for unemployment compensation benefits, applying for and making ongoing claims for unemployment compensation benefits, the relationship between unemployment compensation benefits and education and training programs, work-sharing arrangements established under section 1198, the fact-finding and appeals processes and other relevant program benefits and requirements;

(3) Individual assistance in applying for and making ongoing claims for unemployment compensation benefits or other

procedural functions related to unemployment compensation benefits;

(4) Assistance in identifying appropriate reemployment services, including opportunities for education, training and apprenticeship, to increase employability for high-wage, in-demand jobs;

(5) Referrals for unemployed or underemployed individuals to resources necessary to help those individuals meet their basic needs during the reemployment process;

(6) Appropriate training to ensure the quality and accuracy of navigator services, including training on how to most effectively assist communities that are underrepresented in receiving unemployment compensation benefits and reemployment services;

(7) Identification of systemic issues creating barriers to receipt of unemployment compensation benefits and successful reemployment for unemployed or underemployed individuals and presentation of those issues to the commissioner, who shall promptly resolve or relay those issues to the joint standing committee of the Legislature having jurisdiction over labor and housing matters; and

(8) Direct legal services when appropriate.

All navigator services provided under this subsection must be performed in a manner that is culturally and linguistically appropriate to the needs of the population being served, including individuals with limited English proficiency, persons with low literacy and persons with disabilities, and must recognize the varying levels of digital literacy and access to technology among individuals in need of services.

4. Funding for navigator grants. The Unemployment Program Administrative Fund planned yield and predetermined yield established under section 1167 must be adjusted each year to provide additional funds in the amount of \$3,000,000 for the peer navigator

	<u>program established under this section, including funds for bureau staff administering the peer navigator program. The commissioner shall promptly provide payments to qualified entities awarded navigator grants under this section to enable them to cover ongoing expenses in a timely manner.</u>
<p>Sec. 29. 26 MRSA §1221, sub-§10, ¶E, as amended by PL 1981, c. 168, §25, is further amended to read:</p> <p>E. The Commissioner of Labor <u>commissioner</u>, in accordance with such regulations <u>rules</u> as the commission <u>commissioner</u> may prescribe, shall notify each such employer of any determination which <u>that</u> is made of its status as an employer and of the effective date of any election which <u>that</u> it makes and any termination of such election. Such determination shall be <u>is</u> subject to reconsideration, appeal and review in accordance with section 1082, subsection 14.</p> <p>Sec. 30. 26 MRSA §1221, sub-§15, as amended by PL 1981, c. 286, §4, is further amended to read:</p> <p>15. Group accounts. Two or more nonprofit organizations or 2 or more governmental entities that have become liable for payments in lieu of contributions, in accordance with subsections 10 and 13, may file a joint application to the commissioner for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers or governmental entities. Each such application shall <u>must</u> identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon approval of the application, the commissioner shall establish a group account for such employers or governmental entities effective as of the beginning of the calendar quarter in which it <u>the commissioner</u> receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain <u>remains</u> in effect for not less than 2 years and thereafter until terminated at the discretion of the commissioner or upon application by the group. Upon establishment of the account, each member of the group shall be <u>is</u> liable for payments in lieu of contributions with</p>	

<p>respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The commission <u>commissioner</u> shall prescribe such regulations as it deems <u>rules the commissioner considers</u> necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subsection, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subsection by members of the group and the time and manner of such payments.</p>	
<p>Sec. 31. 26 MRSA §1226, sub-§1, ¶A, as amended by PL 2017, c. 284, Pt. AAAAA, §4, is further amended to read:</p> <p>A. An employer may appeal determinations by the commissioner or the commissioner's designated representatives made under sections 1082, subsection 14, 1221, 1222, 1225 and 1228, or an assessment made under section 1225, to the Division of Administrative Hearings by filing an appeal, in accordance with rules that the commission <u>commissioner</u> prescribes, within 30 days after notification is mailed to the employer's last known address as it appears in the records of the bureau or, in the absence of such mailing, within 30 days after the notification is delivered. If the employer fails to perfect this appeal, the assessment or determination is final as to law and fact.</p>	
<p>Sec. 32. 26 MRSA §1251, sub-§2, as amended by PL 1977, c. 694, §483, is further amended to read:</p> <p>2. Regulations <u>Rules</u>. The commission <u>commissioner</u> shall prescribe fair and reasonable regulations <u>rules</u>, pursuant to Title 5, section 8051 et seq., applicable to the payment of benefits to individuals whose qualifying wages in whole or in part were earned in seasonal industries, to the period during which benefits shall be <u>are</u> payable to them <u>the individuals</u> and to</p>	

charges to be made to experience rating records or general funds as a result of benefits so paid.	
	<p>Sec. 14. Promoting accountability in unemployment compensation. No later than January 1, 2022, the Department of Labor, Bureau of Unemployment Compensation shall complete an analysis to determine why unemployed individuals do not apply for unemployment compensation benefits, including identifying systemic obstacles identified to individuals' receipt of benefits. The analysis must include the characteristics of unemployed individuals who do not file, including employment history, age, gender, income, geographic location, ethnicity and race. Data collection methodologies used to conduct this analysis may be modeled on the nonfiler supplement to the United States Current Population Survey established by the United States Department of Commerce, Bureau of the Census and the United States Department of Labor, Bureau of Labor Statistics, or a similarly effective instrument designed by the Bureau of Unemployment Compensation for this purpose. The analysis may include reliable data already collected by or available to the Bureau of Unemployment Compensation.</p>
	<p>Sec. 15. Department of Labor staff assessment; Bureau of Unemployment Compensation. By January 15, 2022, the Commissioner of Labor shall provide a report to the Joint Standing Committee on Labor and Housing assessing the staff capacity within the Department of Labor, Bureau of Unemployment Compensation to comply with the performance core measures established by the United States Department of Labor related to unemployment insurance benefit promptness and accuracy and the timeliness of appeal determinations. The report must also describe any technology needs and other staffing necessary to ensure the accessibility of the unemployment compensation system to applicants and recipients.</p>