

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Labor, **Bureau of Labor Standards**
Umbrella-Unit: **12-170**
Statutory authority: 26 MRS §850
Chapter number/title: **Ch. 10**, Rules Governing Employment Leave for Victims of Violence
Filing number: **2017-087**
Effective date: 6/12/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

PL 2015 c. 343 Pt. A §1 increased the fine the Department of Labor may assess upon an employer from up to \$200 per violation to up to \$1,000 per violation. It also provided that, for denial of leave in violation of the law, the employer must pay the affected individual an amount three times the total assessed fines. And for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount three times the total assessed fines or reemployment with the employer with back wages.

Basis statement:

The rule amendment reflects the changes identified in PL 2015 c. 343 Pt. A §1 by increasing the fine the Department of Labor may assess upon an employer from up to \$200 per violation to up to \$1,000 per violation. It also provides that, for denial of leave in violation of the law, the employer must pay the affected individual an amount three times the total assessed fines. And for termination in connection with exercising a right granted under the law, the affected individual may choose either to receive an amount three times the total assessed fines or reemployment with the employer with back wages.

Fiscal impact of rule:

No additional fiscal impact estimated.

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Labor, **Maine Unemployment Insurance Commission**
Umbrella-Unit: **12-172**
Statutory authority: 26 MRS §1082(2)
Chapter number/title: **Ch. 9**, Able and Available Requirements
Filing number: **2017-189**
Effective date: 12/9/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement:

Modification of this rule is sought to clarify eligibility for claimants who are only available for part-time work; to provide factors for consideration in determining whether a claimant has an acceptable means of transportation to get to a job or to an area in which there are sufficient job opportunities; and to clarify the application of the able and available requirements to claimants who are absent from their labor market area.

Fiscal impact of rule:
N/A

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Labor, **Maine Unemployment Insurance Commission**
Umbrella-Unit: **12-172**
Statutory authority: 26 MRS §1082(2)
Chapter number/title: **Ch. 16**, Benefit Payments to Aliens
Filing number: **2017-190**
Effective date: 12/9/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement:

Modification of this rule is sought to update references to federal agencies regarding immigration and to add a provision to Section 2(A) permitting the use of other documentation as approved by the United States Department of Homeland Security (DHS) so that the rule does not need to be updated to reflect each new piece of documentation that DHS approves.

Fiscal impact of rule:
N/A

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Labor, **Maine Unemployment Insurance Commission**
Umbrella-Unit: **12-172**
Statutory authority: 26 MRS §1082(2)
Chapter number/title: **Ch. 19**, Other Remuneration
Filing number: **2017-191**
Effective date: 12/9/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:
(See Basis Statement)

Basis statement:

Modification of this rule is sought to simplify the allocation rules for other remuneration and modify the treatment of bonus payments to make it more consistent with the Employment Security Law.

Fiscal impact of rule:
N/A

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Labor, **Maine Unemployment Insurance Commission**
Umbrella-Unit: **12-172**
Statutory authority: 26 MRS §1082(2)
Chapter number/title: **Ch. 20**, Unemployment Fraud or Misrepresentation by Claimants
Filing number: **2017-192**
Effective date: 12/9/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

(See Basis Statement)

Basis statement:

Modification of this rule is sought to remove the certified mail requirement from Section 2(B) and to remove Section 2(C), as it is not legally required and not appropriate in all circumstances. Instead, the agency will prepare a standard operating procedure or other policy as to the methodology for interviewing the claimant in a fraud or misrepresentation case.

Fiscal impact of rule:

N/A

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Labor, Bureau of Labor Standards, **Board of Occupational Safety and Health**
Umbrella-Unit: **12-179**
Statutory authority: 26 MRS §565
Chapter number/title: **Ch. 2**, Occupational Safety and Health Standards for General Industry Employment in the Public Sector
Filing number: **2017-207**
Effective date: 12/26/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To assure the rules covering public employees conform with the federal standards as required in Title 26 MRS, Chapter 6, Section 565.

Basis statement:

The purpose of this chapter is to incorporate by reference certain rules governing Occupational Safety and Health in general industry employment as promulgated by the Federal Occupational Safety and Health Administration at 29-CFR Part 1910 as most recently amended as of June 1, 2017.

Fiscal impact of rule:

N/A

Annual List of Rulemaking Activity
Rules Adopted January 1, 2017 to December 31, 2017
Prepared by the Secretary of State pursuant to 5 MRS §8053-A, sub-§5

Agency name: Department of Labor, Bureau of Labor Standards, **Board of Occupational Safety and Health**
Umbrella-Unit: **12-179**
Statutory authority: 26 MRS §565
Chapter number/title: **Ch. 3**, Occupational Safety and Health Standards for Construction Industry Employment in the Public Sector
Filing number: **2017-208**
Effective date: 12/26/2017
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

To assure the rules covering public employees conform with the federal standards as required in Title 26 MRS, Chapter 6, Section 565.

Basis statement:

The purpose of this chapter is to incorporate by reference certain rules governing Occupational Safety and Health in construction industry employment as promulgated by the Federal Occupational Safety and Health Administration at 29-CFR Part 1926 as most recently amended as of June 1, 2017.

Fiscal impact of rule:

N/A