Office of
The Governor

No. 26 FY 20/21
DATE January 13, 2021

AN ORDER TRANSFERRING AUTHORITY TO WAIVE OVERPAYMENTS FROM THE UNEMPLOYMENT INSURANCE COMMISSION TO THE COMMISSIONER OF THE DEPARTMENT OF LABOR

WHEREAS, I proclaimed a state of emergency on March 15, 2020 and renewed states of emergency on April 14, 2020, May 13, 2020, June 9, 2020, July 8, 2020, August 5, 2020, September 2, 2020, September 30, 2020, October 29, 2020, November 24, 2020, and December 22, 2020 to authorize the use of emergency powers in order to expand and expedite the State's response to the serious health and safety risks of the highly contagious COVID-19 virus; and

WHEREAS, the federal Coronavirus Aid, Relief, and Economic Security Act, and the Continued Assistance for Unemployed Workers Act, authorize the Department of Labor to waive the repayment requirement on benefits provided under these federal programs; and

WHEREAS, Maine law requires that waivers of overpayments on unemployment benefits be issued by the Unemployment Insurance Commission ("Commission"), rather than by the Department of Labor staff as part of its adjudicatory process; and

WHEREAS, Maine is currently experiencing an unprecedented number of appeals from unemployment benefit determinations and requests for waiver of repayment, and the Department of Labor anticipates this trend to continue through the end of the COVID-19 State of Emergency; and

WHEREAS, it would be more efficient for Department of Labor to make determinations on waivers as part of its adjudicatory process, thereby expediting decisions; and

WHEREAS, the Governor's emergency powers expressly include the authority to transfer the functions of state agencies to perform services during the emergency pursuant to 37-B M.R.S. § 742(1)(C)(3);

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. § 742(1)(C)(3), do hereby Order the following:

I. ORDERS

The authority provided to the Unemployment Insurance Commission in 26 M.R.S. § 1051(5) to waive the repayment of state unemployment benefits is hereby transferred to the Commissioner of the Department of Labor, or her designee(s), for unemployment benefits paid during the COVID-19 State of Emergency.

II. INTERPRETATION

This Order is subject to interpretation from the Maine Department of Labor.

III. EFFECTIVE DATE

This Order is effective January 13, 2021, shall remain in effect until amended, rescinded, or until 30 days after the State of Civil Emergency to Protect the Public Health is terminated, whichever occurs first.

Janet T. Mills
Governor