

**§1081. Administrative organization**

**1. Commission.** The Maine Unemployment Insurance Commission consists of 3 members, one of whom must be a representative of labor, one of whom must be a representative of employers and one of whom must be a representative of the general public who shall be impartial, must be an attorney admitted to the practice of law in the State and is the chair of the commission. Except as provided in this subsection, the 3 members and their successors must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Senate, to hold office for a term of 6 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 a predecessor was appointed must be appointed for the remainder of the term. During a term of membership on the commission, a member may not engage in any other business, vocation or employment, nor serve as an officer or committee member of any political organization.

[RR 2023, c. 2, Pt. E, §84 (COR).]

**2. Salaries.** The members of the commission shall receive a fixed weekly salary in accordance with Title 2, section 6, and shall be paid from the Employment Security Administration Fund.

[PL 1981, c. 470, Pt. A, §144 (AMD).]

**3. Quorum.** Any 2 members of the commission constitutes a quorum. Whenever the commission hears a case under this chapter and Title 36, chapter 831, the chair shall act alone in the absence or disqualification of any other member, except that in the event of illness or extended absence on the part of the chair or in the event of a vacancy in that position, the remaining members may act on appeals, conduct hearings and render decisions, as long as both members agree. Except as otherwise provided, a vacancy may not impair the right of the remaining members to exercise all of the powers of the commission. Any action, decision, order, rule or recommendation that is required by law to be made by the Maine Unemployment Insurance Commission may not be made until the commission has held a meeting in the regular course of its business for which all members have been provided with reasonable notice of the meeting and its agenda.

[RR 2023, c. 2, Pt. E, §85 (COR).]

**4. Removal.** Members of the commission must be sworn and may be removed by the Governor for inefficiency, willful neglect of duty or malfeasance in office, but only 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 commission member, the Governor shall notify the President of the Senate and the Speaker of the House of Representatives of the removal and the reasons for the removal.

[PL 2017, c. 284, Pt. ZZZZ, §1 (NEW).]

**5. Oaths and witnesses.** In the discharge of the duties imposed by this chapter, the commission and any duly authorized representative has the power to administer oaths and affirmations, take depositions, certify official acts and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records determined necessary as evidence in connection with a disputed claim. Oaths and affirmations required by reason of duties performed pursuant to this chapter may be administered by any persons as may be designated for the purpose by the commissioner. In the discharge of the duties imposed by this chapter, the commission or any duly authorized representative, when the interests of any interested party demand, may issue commissions to take depositions to any unemployment compensation or employment security official empowered to take such depositions under this chapter or the laws of any other state, for any of the following causes:

- A. When the deponent resides out of or is absent from the State; [PL 2025, c. 388, Pt. PPP, §1 (NEW).]

B. When the deponent is bound to sea or is about to go out of the State; or [PL 2025, c. 388, Pt. PPP, §1 (NEW).]

C. When the deponent is so aged, infirm or sick as to be unable to attend at the place of hearing. [PL 2025, c. 388, Pt. PPP, §1 (NEW).]

A deposition pursuant to paragraph A, B or C must be taken by written interrogatories to be compiled by the commission, and the adverse party must be afforded an opportunity to refute such testimony before a determination is made. The deponent must be sworn and the deposition must be signed and sworn to by the deponent before admissible as testimony at a hearing before the commission.

Subpoenas under this subsection must be issued pursuant to Title 5, section 9060. [PL 2025, c. 388, Pt. PPP, §1 (NEW).]

**6. Refusal to appear.** A person who without just cause fails or refuses to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, if it is in that person's power to do so, in obedience to a subpoena of the commission or the duly authorized representative commits a Class E crime. This crime is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. If a person refuses to obey a subpoena duly issued by the commission or the duly authorized representative, any court of this State within the jurisdiction of which the person resides or transacts business has jurisdiction to issue to that person an order requiring the person to appear and produce evidence or testimony, and any failure to obey that order may be punished by the court as contempt of court. [PL 2025, c. 388, Pt. PPP, §2 (NEW).]

**7. Protection against self-incrimination.** A person may not be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the commission or any duly authorized representative or in obedience to the subpoena of the commission or the duly authorized representative in any cause or proceeding before the commission or any duly authorized representative on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate that person or subject that person to a penalty or fine; but an individual may not be prosecuted or subjected to any penalty or fine for or on account of any transaction, matter or thing concerning which that individual is compelled, after having claimed privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual in testifying under this subsection is not exempt from prosecution and punishment for perjury committed in testifying. [PL 2025, c. 388, Pt. PPP, §3 (NEW).]

## SECTION HISTORY

PL 1965, c. 328 (AMD). PL 1967, c. 476, §21 (AMD). PL 1967, c. 494, §§21-A (AMD). PL 1969, c. 504, §44 (AMD). PL 1971, c. 620, §§2-5 (AMD). PL 1975, c. 771, §285 (AMD). PL 1977, c. 675, §§3-5 (AMD). PL 1981, c. 286, §1 (AMD). PL 1981, c. 470, §A144 (AMD). PL 1983, c. 351, §§6,7 (AMD). PL 1987, c. 641, §§1,2 (AMD). PL 2017, c. 284, Pt. ZZZZ, §1 (AMD). RR 2023, c. 2, Pt. E, §§84, 85 (COR). PL 2025, c. 388, Pt. PPP, §§1-3 (AMD).

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