

# MAINE STATE LEGISLATURE

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March (13?), 1933

Hon. Charles O. Beals  
Commissioner of Labor  
Augusta, Maine

Dear Sir:

Under date of March 8 you requested an answer to the following question:

"Can the amount of the decrease be collected by the employees under the provisions of the Weekly Payment of Wages Act up to the date they were notified of the cut?"

The answer to the above question is, Yes. Where a person enters employment, in effect, he makes a contract with the employer by the terms of which he agrees to perform certain work and the employer agrees to pay him for the work at a certain rate. That rate cannot be changed except by mutual consent. Accordingly, in the case that you have stated the employee is entitled to the difference between the decreased rate and the rate under which he had agreed to work.

You ask a second question as follows:

"Would the Maine Weekly Payment of Wages Law apply to Federal work being done in the State?"

In answer to this question I assume that you refer to the work which is done in this State by the Federal Government at the present time, and possibly work that is now contractor is employed by the Federal Government instead of by an individual does not take that independent contractor out of the provisions of Sections 39 and 40 of R. S. Chapter 54 relating to the weekly payment of wages. The statute makes no such an exception and I can find no rule of law which would make one.

Most cordially yours,  
Attorney General

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