

MAINE STATE LEGISLATURE

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February 21, 1944

To Harry V. Gilson, Commissioner of Education
Re: Weekly Payment of Teachers

The applicable statute. . . is Chapter 218 of the Public Laws of 1941, amending R. S. 1930, Chapter 54, Section 39. The pertinent provisions in so far as towns are concerned are:

"Every town shall so pay each employee in its business if so required by him."

This has reference to an earlier clause requiring that employers

"shall pay weekly each employee engaged in his or its business the wages earned by him to within eight days of the date of said payment, but an employee leaving his or her employment shall be paid in full on demand."

A penalty is then provided punishing the violation thereof by a fine of not less than \$25 nor more than \$50.

Under the quoted provisions, towns may contract with an employee to pay him at times other than weekly wages, which is denied to other corporations. In the case of a town, however, it may be required to pay its wages weekly if the employee so requires it. The town could then, as disclosed in your memorandum, contract to pay the wages to its teachers bi-weekly, but it could not extend that time without the consent of its employee, and, if "required" by the employee, would be obliged to pay weekly.

I know of no way to compel the municipal officers to pay their teachers on the next pay-day, which is February 28th, but they would, however, be subject to the penalty provided by this Act. It may be that, if this penalty statute were called to their attention, they would take care of this payment that accrues on the 28th.

Abraham Breitbard
Deputy Attorney General

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