

MAINE STATE LEGISLATURE

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Yes ✓

April 14, 1967

C. Wilder Smith, Deputy Commissioner

Labor and Industry

Phillip M. Kilmister, Assistant

Attorney General

Title 26, section 626, M.R.S.A. - Interpretation of the words "shall be paid in full."

FACTS:

Title 26, Section 626 of the Revised Statutes of Maine provides that an employer must pay in full, after demand is made upon him by an employee, all wages due said employee when the latter terminates his employment. A situation may arise where, at the termination of employment, the employee owes certain debts to his employer.

QUESTION:

In computing the amount of wages due an employee upon the termination of his employment, may an employer deduct the amount of any personal debts owed to him by the employee?

ANSWER:

No.

The statutory language of 26 M.R.S.A. § 626 reads as follows:

"Cessation of Employment

"Any employee, leaving his or her employment, shall be paid in full within a reasonable time after demand at the office of the employer where payrolls are kept and wages paid. Whoever violates any of the provisions of this section shall be punished by a fine of not less than \$25 nor more than \$50." (Emphasis supplied)

C. Wilder Smith, Deputy
Commissioner

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April 14, 1967

The purpose of the above-quoted statute is to compel the employer to pay promptly the regularly earned wages of an employee who is either discharged or who quits of his own accord. Said statute is penal in nature and must be strictly construed, however the clear meaning of the language used cannot be overlooked. The language states that the employee "shall be paid in full" and we believe that this means that all wages due the employee must be paid regardless of any independent financial obligations which may be owed to the employer on behalf of the employee.

The statutory language quoted-above requires that all wages earned by an employee be paid, and said statute cannot be interpreted to be a vehicle by which an employer and employee may adjust and set off independent mutual debts owed each other.

It must be remembered that the courts are always open to an employer who has a valid claim on a debt due him from a former employee.

Phillip M. Kilmister
Assistant Attorney General

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