

# MAINE STATE LEGISLATURE

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L.D. 1947

(Filing No. H-890)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
114TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 743,  
L.D. 1947, Bill, "An Act Related to Overcompensation"

Amend the amendment in that part designated "~~§635.~~" by  
striking out all of subsection 4 and inserting in its place the  
following:

'4. Application. This section is applied as follows.

A. An employer has the burden of proof, except that, if the  
overcompensation amounts to less than 15% of the correct net  
amount of the employee's compensation, the employer must  
prove by clear and convincing evidence that the employee  
knowingly accepted the overcompensation.

B. If an employee knowingly accepts the overcompensation,  
this section does not apply.

C. This section, except for the forfeiture provisions in  
subsection 3, does not limit or affect an employer's general  
civil remedies against an employee.'

STATEMENT OF FACT

This amendment clarifies that the provisions of the  
amendment do not limit an employer's general civil remedies in  
collecting sums due to the employer.

Filed by Rep. Michaud of East Millinocket  
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