

MAINE STATE LEGISLATURE

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DATE: May 28, 1999

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STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to H.P. 214, L.D. 292, Bill, "An Act to Enhance the Payment Options for Certain Employers"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 26 MRSA §621, as amended by PL 1995, c. 340, §1, is repealed.

Sec. 2. 26 MRSA §621-A is enacted to read:

§621-A. Timely payment of wages

1. Minimum frequency. Every employer must pay all wages earned by each employee at regular intervals. An employee who is paid an hourly wage that exceeds 200% of the state minimum wage must be paid at intervals not to exceed 16 days. All other employees must be paid at intervals not to exceed 7 days. Each payment must include all wages earned to within 8 days of the payment date. An employee who is absent from work at a time fixed for payment must be paid on demand after that time.

2. Regular payment required. Wages must be paid on an established day or date at regular intervals made known to the employee. When the interval is less than the maximum allowed by subsection 1, the interval may not be increased without written notice to the employee at least 30 days in advance of the increase.

Sec. 3. 26 MRSA §622, as amended by PL 1975, c. 113, §1, is repealed and the following enacted in its place:

2 **§622. Records.**

4 Every employer shall keep a true record showing the date and
6 amount paid to each employee pursuant to section 621-A. Every
8 employer shall keep a daily record of the time worked by each
10 such employee unless the employee is paid a salary that is fixed
12 without regard for the number of hours worked. Records required
to be kept by this section must be accessible to any
representative of the department at any reasonable hour.
Sections 621-A to 623 do not excuse any employer subject to
section 702 from keeping the records required by that section.

14 **Sec. 4. 26 MRSA §623**, as amended by PL 1975, c. 113, §2, is
16 further amended to read:

18 **§623. Exemptions**

20 This section and sections 621 ~~621-A~~ and 622 shall do not
22 apply to an employee of a cooperative corporation or association
if he ~~the employee~~ is a stockholder ~~therein of the corporation or~~
association, unless he ~~the employee~~ requests such ~~the association~~
24 or corporation to pay him-weekly ~~that employee in accordance with~~
section 621-A. No ~~A~~ corporation, contractor, person or
26 partnership shall ~~may not~~ by a special contract with an employee
or by any other means exempt himself-~~or~~ itself from this section
28 and sections 621 ~~621-A~~ and 622. Whenever-~~the terms of employment~~
include-~~provisions for paid vacations, -vacation pay on cessation~~
of-employment-shall-have-the-same-status-as-wages-earned.

30 **Sec. 5. 26 MRSA §626-B**, as enacted by PL 1975, c. 113, §5, is
32 repealed.

34 **Sec. 6. Appropriation.** The following funds are appropriated
36 from the General Fund to carry out the purposes of this Act.

1999-00

38 **LABOR, DEPARTMENT OF**

40 **Administration - Bureau of Labor Standards**

42 All Other \$12,134

44 Provides funds for the costs associated with
46 revising the Regulation of Employment
48 poster.'

FISCAL NOTE

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1999-00

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APPROPRIATIONS/ALLOCATIONS

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General Fund

\$12,134

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This amendment will require the revision of the Regulation of Employment poster by the Department of Labor, Bureau of Labor Standards. This amendment includes a General Fund appropriation of \$12,134 in fiscal year 1999-00 for the Department of Labor for printing and mailing costs associated with revising the poster. If other bills are enacted that also require changes to the poster, the cost properly allocated to this amendment can be reduced.

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This amendment may both increase and decrease the number of civil violations filed in the court system. The net effect on the Judicial Department's workload and administrative costs will be minimal. The net effect on the collection of fines will also be insignificant.

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SUMMARY

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This amendment replaces the bill. It requires that an employee whose hourly wage is less than or equal to 200% of the state minimum wage be paid at regular intervals not to exceed 7 days and allows employees whose hourly wage exceeds 200% to be paid at intervals not to exceed 16 days. It also corrects cross-references, updates and clarifies language regarding recordkeeping and repeals a section that allows collective bargaining agreements to provide for longer intervals between payment.

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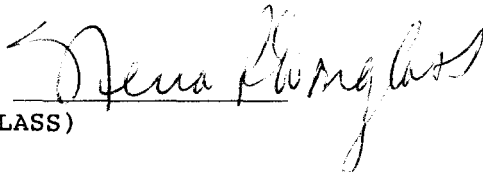
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SPONSORED BY:



(Senator DOUGLASS)

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COUNTY: Androscoggin

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