

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

---

Legislative Document

No. 57

H.P. 48

House of Representatives, January 9, 2001

---

### **An Act to Require That Certain Employees Be Paid on a Weekly Basis.**

---

Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TWOMEY of Biddeford.  
Cosponsored by Representatives: BRYANT of Dixfield, MATTHEWS of Winslow,  
VOLENIK of Brooklin, Senator: RAND of Cumberland.

Be it enacted by the People of the State of Maine as follows:

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48

Sec. 1. 26 MRSA §621-A, as amended by PL 1999, c. 790, Pt. P, §1 and affected by §3, is repealed.

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

1. Certain employers; payment schedule. Every corporation, person or partnership engaged in a manufacturing, mechanical, mining, quarrying, mercantile, restaurant, hotel, summer camp, beauty parlor, amusement, telegraph or telephone business; in any of the building trades; in a logging or lumbering operation; upon public works; or in the construction or repair of roads, bridges, sewers or gas, water or electric light works, pipes or lines; every incorporated express company or water company; and every steam railroad company or corporation shall pay weekly each employee engaged in its business the wages earned by the employee to within 8 days of the date of that payment; every county shall so pay every employee who is engaged in its business the wages or salary earned by that employee, unless the employee requests in writing to be paid in a different manner. Municipalities shall pay their employees at least once every 2 weeks unless the employee agrees to be paid under a less frequent pay schedule. An employee who is absent from that employee's regular place of employment at a time fixed for payment must be paid on demand.

2. All employers; payment of balance of hourly wages. An employer shall pay to its employee, on or before the employee's next regularly scheduled payday, the balance of the employee's earned hourly wages due to be paid that were not paid on the date normally scheduled for payment of those wages. This subsection may not be construed to permit nonpayment or withholding of payment of wages when due.

Sec. 3. 26 MRSA §622, as repealed and replaced by PL 1999, c. 465, §3, is amended to read:

**§622. Records**

Every employer shall keep a true record showing the date and amount paid to each employee pursuant to section 621-A ~~621-A~~ 621-B. Every employer shall keep a daily record of the time worked by each such employee unless the employee is paid a salary that is fixed 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~~ 621-B to 623 do not excuse any employer subject to section 702 from keeping the records required by that section.

2           **Sec. 4. 26 MRSA §623**, as amended by PL 1999, c. 790, Pt. P,  
§2 and affected by §3, is further amended to read:

4           **§623. Exemptions**

6           This section and sections ~~621-A~~ 621-B and 622 do not apply  
to ~~family-members-and-salaried-employees-as-defined-in-section~~  
8 ~~663,-subsection-3,-paragraphs-J-and-K.--Sections-621-A-and-622-do~~  
~~not--apply--to~~ an employee of a cooperative corporation or  
10 association if the employee is a stockholder of the corporation  
or association, unless the employee requests the association or  
12 corporation to pay that employee ~~in-accordance-with-section-621-A~~  
weekly. Except as provided in section ~~621-A~~ 621-B, subsections 3  
14 and 4, a corporation, contractor, person or partnership may not  
by a special contract with an employee or by any other means  
16 exempt itself from this section and sections ~~621-A~~ 621-B and  
622. When the terms of employment include provisions for paid  
18 vacations, vacation pay on cessation of employment has the same  
status as wages earned.

20           **Sec. 5. 26 MRSA §626-A, first ¶**, as amended by PL 1999, c. 465,  
22 §5, is further amended to read:

24           Whoever violates any of the provisions of sections ~~621-A~~  
621-B to 623 or section 626, 628, 629 or 629-B is subject to a  
26 forfeiture of not less than \$100 nor more than \$500 for each  
violation.

28           **Sec. 6. 26 MRSA §626-A, 3rd ¶**, as enacted by PL 1999, c. 465,  
30 §5, is repealed.

32           **Sec. 7. 26 MRSA §626-C** is enacted to read:

34           **§626-C. Collective bargaining exceptions**

36           An employer is not considered to have violated section 626  
when, pursuant to a written and signed agreement made as a result  
38 of collective bargaining by representatives of employees, unpaid  
wages are paid within a different time period or a setoff or  
40 counterclaim is set up and when the contract or agreement  
specifies the length of the time period or the precise nature of  
42 the setoff or counterclaim, respectively.

44

**SUMMARY**

46

48           This bill requires that certain employees be paid on a  
weekly basis.