

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1131

H.P. 834

House of Representatives, March 4, 2003

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 Senator HATCH of Somerset and
Representatives: DUPLESSIE of Westbrook, HATCH of Skowhegan, PATRICK of Rumford,
PINGREE of North Haven, Senators: BRYANT of Oxford, EDMONDS of Cumberland,
STANLEY of Penobscot, STRIMLING of Cumberland.

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

4 **Sec. 1. 26 MRSA §621-A**, as amended by PL 2001, c. 156, §1, is repealed.

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

8 **§621-B. Payment of wages**

10 **1. Certain employers; payment schedule.** Every corporation,
12 person or partnership engaged in a manufacturing, mechanical,
mining, quarrying, mercantile, restaurant, hotel, summer camp,
14 beauty parlor, amusement, telegraph or telephone business; in any
of the building trades; in a logging or lumbering operation; upon
16 public works; or in the construction or repair of roads, bridges,
sewers or gas, water or electric light works, pipes or lines;
18 every incorporated express company or water company; and every
steam railroad company or corporation shall pay weekly each
20 employee engaged in its business the wages earned by the employee
to within 8 days of the date of that payment; every county shall
22 so pay every employee who is engaged in its business the wages or
salary earned by that employee, unless the employee requests in
24 writing to be paid in a different manner. Municipalities shall
pay their employees at least once every 2 weeks unless the
26 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.

28 This subsection only applies to employees who are paid minimum
30 wage.

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

40 **Sec. 3. 26 MRSA §622**, as repealed and replaced by PL 1999, c.
42 465, §3, is amended to read:

44 **§622. Records**

46 Every employer shall keep a true record showing the date and
48 amount paid to each employee pursuant to section 621-A 621-B.
Every employer shall keep a daily record of the time worked by
50 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.
2 Sections ~~621-A~~ 621-B to 623 do not excuse any employer subject to
section 702 from keeping the records required by that section.

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

8 **§623. Exemptions**

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

24
26 **Sec. 5. 26 MRSA §626-A, first ¶**, as amended by PL 1999, c. 465,
§5, is further amended to read:

28 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
30 forfeiture of not less than \$100 nor more than \$500 for each
violation.

32
34 **Sec. 6. 26 MRSA §626-A, 3rd ¶**, as enacted by PL 1999, c. 465,
§5, is repealed.

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

38 **§626-C. Collective bargaining exceptions**

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

SUMMARY

2

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