

MAINE STATE LEGISLATURE

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2000

L.D. 659

DATE: 4/20/15

(Filing No. H-158)

LABOR

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 479, L.D. 659, Bill, "An Act To Allow for Equitable Recovery of Wages for Employees Who Are Undercompensated"

Amend the bill by striking out the title and substituting the following:

'An Act To Allow for Equitable Recovery of Wages for Employees Who Are Not Paid in Full'

Further 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-A, as amended by PL 2005, c. 18, §1, is further amended to read:

§621-A. Timely and full payment of wages

1. Minimum frequency and full payment. At regular intervals not to exceed 16 days, every employer must pay in full all wages earned by each employee. 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.

COMMITTEE AMENDMENT

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2 **3. Compensatory time agreements.** Notwithstanding
3 subsections 1 and 2, public agency employers and employees may
4 enter into compensatory time overtime agreements in accordance
5 with the federal Fair Labor Standards Act, 29 United States Code,
6 Section 207(o). These agreements are governed solely by federal
7 law. For purposes of this subsection, "public agency" has the
8 same meaning as in 29 United States Code, Section 203(x).

9
10 **4. School personnel.** Employees of a school administrative
11 unit who work the school year schedule may, upon written
12 agreement between the employees and the school administrative
13 unit, be paid for their work during the school year over 12
14 months or a shorter period, as provided in the written
15 agreement. For purposes of this subsection, "written agreement"
16 includes but is not limited to a collective bargaining agreement.

17
18 **5. Change in rate of pay.** Notwithstanding the provision of
19 section 623 exempting salaried employees as defined in section
20 663, subsection 3, paragraph K, payment of wages or salary must
21 be made at the rate previously established by the employer,
22 except that the employer may decrease the rate of pay, effective
23 the next working day, if the employer gives notice to all
24 affected employees prior to the change. When an employer has
25 temporarily increased an employee's wage rate to comply with the
26 prevailing wage requirements of chapter 15; the federal
27 Davis-Bacon Act, 40 United States Code, Section 276a et seq.; or
28 other applicable federal or state law, an employer need not
29 provide advance notice prior to returning the employee to the
30 employee's regular wage rate, as long as the employer is in
31 compliance with all posting and notice provisions of the
32 applicable law. Changes of rates of pay made under a collective
33 bargaining agreement are exempt from this requirement.'

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SUMMARY

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This amendment replaces the bill. The amendment clarifies
that an employee may recover wages from an employer when the
employer has not paid the employee in full.

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