

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 659

H.P. 479

House of Representatives, February 8, 2005

### **An Act To Allow for Equitable Recovery of Wages for Employees Who Are Undercompensated**

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HUTTON of Bowdoinham.  
Cosponsored by Senator BRYANT of Oxford and  
Representatives: JACKSON of Fort Kent, NORTON of Bangor, PATRICK of Rumford,  
PINEAU of Jay, Senator: STRIMLING of Cumberland.

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

4 **Sec. 1. 26 MRSA §636** is enacted to read:

6 **§636. Undercompensation by employer**

8 **1. Definition.** As used in this section,  
10 "undercompensation" means any compensation paid to an employee  
12 that is less than that to which the employee is entitled under  
14 the compensation system established by the employer, but does not  
include awards, bonuses, settlements or insurance proceeds with  
respect to or in lieu of compensation, expense reimbursements,  
commissions or draws or advances against compensation.

16 **2. Recovery of undercompensation.** An employer who has  
18 undercompensated an employee through employer error shall pay the  
employee the full amount of undercompensation owed upon demand by  
the employee.

20 **SUMMARY**

22 This bill allows an employee to recover wages from an  
24 employer when the employee has been undercompensated due to an  
error of the employer.