

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 963

H.P. 673

House of Representatives, February 24, 2005

An Act To Set Standards for Electronic Methods Used for Wage Payment

Submitted by the Department of Labor pursuant to Joint Rule 204.
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 SNOWE-MELLO of Androscoggin and
Representatives: BIERMAN of Sorrento, COLLINS of Wells, EDER of Portland, KOFFMAN
of Bar Harbor, McKANE of Newcastle, SAVIELLO of Wilton, WEBSTER of Freeport,
Senator: STRIMLING of Cumberland.

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

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4 **Sec. 1. 26 MRSA §663, sub-§5**, as amended by PL 1965, c. 410, §4, is further amended to read:

6 **5. Wages.** "Wages" paid to any employee includes
8 compensation paid to such the employee in the form of legal
10 tender of the United States, and checks on banks convertible into
12 cash on demand, and includes the reasonable cost to the employer
14 who furnishes such the employee board or lodging. "Wages" also
includes compensation paid through a direct deposit system,
automated teller machine card or other means of electronic
transfer as long as the employee has agreed to the form of
payment and the employee can make an initial withdrawal of the
entire net pay without additional cost to the employee;

16 **Sec. 2. 26 MRSA §665, sub-§1**, as amended by PL 1971, c. 620,
18 §13, is further amended to read:

20 **1. Examination of records, books; copies.** Every employer
22 subject to this subchapter shall keep a true and accurate record
of the hours worked by each employee and of the wages paid, such
24 records to be preserved by the employer for a period of at least
3 years, and shall furnish to each employee with each payment of
wages a statement which shall that clearly shew shows the date of
26 the pay period, the hours, total earnings and itemized
deductions. An employer making payment by direct deposit or other
28 means of electronic transfer shall provide each employee with an
accurate record of the transfer, including the date of the pay
30 period, the hours, total earnings and itemized deductions, when
the transfer is made. If the record is provided in an electronic
32 format the employer shall provide a method by which the employee
may have ready access to the information and print it without
34 cost to the employee. The director or his the director's
authorized representative may, ~~and~~ upon written complaint shall
36 ~~have authority to~~ enter the place of business or employment of
any employer or employees in the State, as defined in section
38 663, for the purpose of examining and inspecting such records,
and copy any or all of such records as ~~he or his~~ the director or
40 the director's authorized representative ~~may deem~~ determines
necessary or appropriate. ~~Any and all~~ All information ~~so~~ received
42 ~~shall be~~ is considered as confidential and ~~shall~~ may not be
divulged to any other person or agency, except ~~insofar~~ as may be
44 necessary for the enforcement of this subchapter.

SUMMARY

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4 This bill clarifies that an employer may pay employees
through electronic transfers if there is no charge to the
employees and must provide records of electronic transfers.