

LING		
805		L.D. 225
2	Date: $3/29/22$ (Filing No.	H-871)
3	LABOR AND HOUSING	
4	Reproduced and distributed under the direction of the Clerk of the House.	
5	STATE OF MAINE	
6	HOUSE OF REPRESENTATIVES	
7	130TH LEGISLATURE	
8	SECOND REGULAR SESSION	
9 10	COMMITTEE AMENDMENT " A" to H.P. 160, L.D. 225, "An Act Rega Treatment of Vacation Time upon the Cessation of Employment"	rding the
11 12	Amend the bill by striking out everything after the enacting clause and inse following:	erting the
13 14	'Sec. 1. 26 MRSA §626, first $\P$ , as amended by PL 2017, c. 219, §11, amended to read:	is further
15 16 17 18 19 20 21 22 23 24 25 26	An employee leaving employment must be paid in full no later than the ennext established payday. Any overcompensation may be withheld if authoriz section 635 and any loan or advance against future earnings or wages may be deevidenced by a statement in writing signed by the employee. Whenever the employment or the employer's established practice includes provisions for paid vacation pay on cessation of employment has the same status as wages earned. A paid vacation accrued pursuant to the employer's vacation policy on and after J2023 must be paid to the employee on cessation of employment unless the employed by an employer with 10 or fewer employees or by a public employ employee's employment is governed by a collective bargaining agreement that provisions addressing payment of vacation pay upon cessation of employment supersedes this paragraph.	ed under educted if terms of vacations, <u>ll unused</u> <u>anuary 1</u> , <u>ployee is</u> <u>ter. If the</u> <u>includes</u>
27 28	Sec. 2. 26 MRSA §626, 5th ¶, as amended by PL 1991, c. 162, is further to read:	amended
29 30 31 32 33 34 35	An action for unpaid wages under this section may be brought by the affected of or employees or by the Department of Labor on behalf of the employee or employ employer found in violation of this section is liable for the amount of unpaid wage all accrued vacation pay that must be paid to the employee or employees on cess employment pursuant to this section. In addition, the judgment rendered in fave employee or employees must include a reasonable rate of interest, an additionate equal to twice the amount of those <u>unpaid</u> wages and that accrued vacation pay as 1	yees. An es and <del>, in ssation of</del> or of the al amount

36 damages and costs of suit, including a reasonable attorney's fee.

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COMMITTEE AMENDMENT "A" to H.P. 160, L.D. 225

1 2 Sec. 3. 26 MRSA §626, 6th  $\P$ , as amended by PL 2017, c. 219, §12, is further amended to read:

3 Within 2 weeks after the sale of a business, the seller of the business shall pay 4 employees of that business any wages earned while employed by the seller. If the terms of employment or the employer's established practice includes provisions for paid vacations, 5 vacation pay on cessation of employment has the same status as wages earned. All unused 6 7 paid vacation accrued pursuant to the employer's vacation policy on and after January 1, 8 2023 must be paid to the employees on cessation of employment unless the employer has 9 10 or fewer employees or is a public employer. If the employees' employment is governed 10 by a collective bargaining agreement that includes provisions addressing payment of vacation pay upon cessation of employment, the collective bargaining agreement 11 supersedes this paragraph. The seller of a business may comply with the provisions of this 12 13 paragraph through a specific agreement with the buyer in which the buyer agrees to pay any wages earned by employees through employment with the seller and to honor any paid 14 15 vacation earned under the seller's vacation policy.

Sec. 4. 26 MRSA §626, as amended by PL 2017, c. 219, §§11 and 12, is further
amended by enacting at the end a new paragraph to read:

For the purposes of this section, "public employer" means the State, a county, a
municipality, the University of Maine System, the Maine Community College System, a
school administrative unit and any other political body or its political or administrative
subdivision.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

24 **SUMMARY** 25 This amendment provides that all unused vacation pay accrued pursuant to the 26 employer's vacation policy on and after January 1, 2023 must be paid to the employee on 27 cessation of employment unless the employee is employed by an employer with 10 or fewer 28 employees or by a public employer. It also provides that, if the employee's employment is 29 governed by a collective bargaining agreement and that agreement includes provisions 30 addressing payment of vacation pay upon cessation of employment, the collective 31 bargaining agreement supersedes this provision of law.

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**COMMITTEE AMENDMENT**