

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

B. Against all property, rights to property, credits and debts involving the delinquent employer that come into the possession or control of the person served with the notice within the period of 60 calendar days described in this section.

A person acting in accordance with the terms of the notice of freeze or levy issued by the Director of Unemployment Compensation is discharged from any obligation or liability to the delinquent employer with respect to the affected property, rights to property, credits and debts of the person affected by compliance with the notice of freeze or levy.

5. Property subject to levy. The delinquent employer property subject to levy includes:

A. A credit, bank or savings account or deposit that is subject to execution pursuant to Title 14, section 4751; or

B. Any other interest or personal property that is not exempt from attachment or execution pursuant to Title 14, sections 4421 to 4426.

Sec. 13. Report. The Department of Labor, within existing resources, shall report to the Second Regular Session of the 119th Legislature and submit proposed legislation by January 1, 2000 that establishes a method for setting the planned yield for future rate years and addresses the issue of a cap on the Unemployment Compensation Fund.

Sec. 14. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Departmentwide		
Personal Services	\$1,567	\$1,506
Provides funds for additional unemployment compensation costs. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer is authorized to transfer funds within the department to General Fund accounts as required to provide funding for these unemployment compensation costs.		

Sec. 15. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
BAXTER STATE PARK AUTHORITY		
Baxter State Park Authority		
Personal Services	\$5,148	\$4,946
Provides funds for additional unemployment compensation costs.		

See title page for effective date.

CHAPTER 465

H.P. 214 - L.D. 292

An Act to Enhance the Payment Options for Certain Employers

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

Sec. 1. 26 MRSA §621, as amended by PL 1995, c. 340, §1, is repealed.

Sec. 2. 26 MRSA §621-A is enacted to read:

§621-A. Timely payment of wages

1. Minimum frequency. At regular intervals not to exceed 16 days, every employer must pay 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.

Sec. 3. 26 MRSA §622, as amended by PL 1975, c. 113, §1, is repealed and the following enacted in its place:

§622. Records

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

Sec. 4. 26 MRSA §623, as amended by PL 1975, c. 113, §2, is further amended to read:

§623. Exemptions

This section and sections ~~621~~ 621-A and 622 ~~shall~~ do not apply to family members and salaried employees as defined in section 663, subsection 3, paragraphs J and K. Sections 621-A and 622 do not apply to an employee of a cooperative corporation or association if ~~he~~ the employee is a stockholder ~~therein~~ of the corporation or association, unless ~~he~~ the employee requests ~~such~~ the association or corporation to pay ~~him weekly~~ that employee in accordance with section 621-A. ~~No~~ A corporation, contractor, person or partnership ~~shall~~ may not by a special contract with an employee or by any other means exempt ~~himself~~ or itself from this section and sections ~~621~~ 621-A and 622. ~~Whenever the terms of employment include provisions for paid vacations, vacation pay on cessation of employment shall have the same status as wages earned.~~

Sec. 5. 26 MRSA §626-A, as amended by PL 1993, c. 648, §1, is further amended to read:

§626-A. Penalties

Whoever violates any of the provisions of sections ~~621~~ 621-A to 623 or section 626, 628, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

Any employer is liable to the employee or employees for the amount of unpaid wages and health benefits. Upon a judgment being rendered in favor of any employee or employees, in any action brought to recover unpaid wages or health benefits under this subchapter, such judgment includes, in addition to the unpaid wages or health benefits adjudged to be due, a reasonable rate of interest, costs of suit including a reasonable attorney's fee, and an additional amount equal to twice the amount of unpaid wages as liquidated damages.

Remedies for unpaid wages do not become available to the employee except as follows. If the wages are clearly due without a bona fide dispute, remedies are available to the employee 8 days after the due date for payment. If there is a bona fide dispute at the time payment is due, remedies become available to the employee 8 days after demand when the wages are, in fact, due and remain unpaid.

The action for unpaid wages or health benefits may be brought by either the affected employee or employees or by the Department of Labor. The Department of Labor is further authorized to supervise the payment of the judgment, collect the judgment on behalf of the employee or employees and collect fines incurred through violation of this subchapter. When the Department of Labor brings an action for unpaid wages or health benefits, this action and an action to collect a civil forfeiture may both be joined in the same proceeding.

Sec. 6. 26 MRSA §626-B, as enacted by PL 1975, c. 113, §5, is repealed.

Sec. 7. 26 MRSA §663, sub-§3, ¶K, as amended by PL 1981, c. 276, is repealed and the following enacted in its place:

K. A salaried employee who works in a bona fide executive, administrative or professional capacity and whose regular compensation, when converted to an annual rate, exceeds 3000 times the State's minimum hourly wage.

See title page for effective date.

CHAPTER 466

H.P. 410 - L.D. 552

An Act to Change the Minimum Time for Issuing a Temporary Registered Gross Weight Increase from 2 Months to One Month

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

Sec. 1. 29-A MRSA §507, 2nd and 3rd ¶¶, as affected by PL 1995, c. 65, Pt. A, §153, amended by Pt. B, §3 and affected by Pt. C, §15, are further amended to read:

Temporary registered gross weight increases must be issued for at least ~~2 months~~ one month and may not exceed 8 months, ~~except that temporary registered gross weight increases may be issued for one month for registered farm vehicles.~~ A temporary registered gross weight increase may not extend beyond the expiration of the regular registration.

The fee for a temporary registered gross weight increase is the difference between the annual fee for the original registration and the annual fee for the desired temporary registered gross weight multiplied by the percentage in the following table: