



STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

Paul R. LePage
GOVERNOR

2 July 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1345, "An Act to Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee."

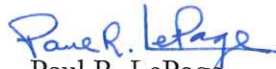
Current law allows for an employer to collect, through various means, an overpayment that an employee has knowingly accepted. LD 1345 attempts to make an employer's recovery of overcompensation paid to an employee a longer process with more limitations. The existing statute states, "An employer who has overcompensated an employee through employer error may not withhold more than 10% of the net amount of any subsequent pay without the employee's written permission, except that, if the employee voluntarily terminates employment, the employer may deduct the full amount of overcompensation from any wages due."

Furthermore, the ability to reclaim overcompensation does not even apply to all employers under current law: "If an employer with over 25 employees violates this section, that employer forfeits any claim to the overcompensation."

Here is yet another attempt not only to fix what is not broken but also make it more complicated for our small employers to do business in Maine. Employers with fewer than 25 employees often wear many hats. Our goal should be to ensure the employee is paid what is due and employers compete on a level regulatory playing field instead of increasing penalties and the complexity of regulations on small businesses when they recognize that they made a mistake and attempt to recoup money paid in error.

For these reasons, I return LD 1345 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,


Paul R. LePage
Governor



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