

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Barry R. Finegold***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act clarifying the process for paying the wages of dismissed employees.

\_\_\_\_\_

PETITION OF:

NAME:

*Barry R. Finegold*

DISTRICT/ADDRESS:

*Second Essex and Middlesex*

**SENATE . . . . . No.**

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4443 OF 2023-2024.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act clarifying the process for paying the wages of dismissed employees.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 150 of chapter 149 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out the first paragraph and inserting in place  
3 thereof the following:-The attorney general may make complaint or seek indictment against any  
4 person for a violation of section 148. On the trial, no defense for failure to pay as required, other  
5 than the attachment of such wages by trustee process or a valid assignment thereof or a valid set-  
6 off against the same, or the absence of the employee from the employee’s regular place of labor  
7 at the time of payment, or an actual tender to such employee at the time of payment of the wages  
8 so earned by the employee or the payment of demanded wages pursuant to section 204, shall be  
9 valid. The defendant shall not set up as a defense a payment of wages after the bringing of the  
10 complaint. An assignment of future wages payable weekly under section 148 shall not be valid if  
11 made to the person from whom such wages are to become due or to any person on their behalf,

12 or if made or procured to be made to another person for the purpose of relieving the employer  
13 from the obligation to pay weekly. A loan made by an employee to their employer of wages  
14 which are payable weekly under section 148, whether made directly to the employer or to  
15 another person or persons on their behalf, shall not be valid as a defense on the trial of a  
16 complaint for failure to pay such wages weekly, unless such loan shall have been made with the  
17 approval of the attorney general.

18 SECTION 2. Said chapter 149 of the General Laws is hereby amended by adding the  
19 following new section:-

20 Section 204. Right to Cure

21 (a) After termination of a person's employment, claims that are brought to recover unpaid  
22 employment-based compensation resulting from a violation of sections 33E, 52E, 148, 148A,  
23 148B, 148C, 150C, 152, 152A, 159C or 190 of this chapter or section 19 of chapter 15 and that  
24 seek treble damages under section 150 of this chapter shall be preceded by a written demand for  
25 relief to the employer specifying those sums due and the reasons therefor. Upon receipt of such a  
26 demand for relief, the employer shall have 15 business days to cure any asserted deficiency by  
27 making payment in full to the aggrieved claimant. The employer shall have no liability for  
28 attorneys' fees or for treble damages under section 150 should the employer cure the violation by  
29 paying, within 15 days of receiving the written demand, any deficiency in such compensation  
30 payments: (i) that are indisputably due; or (ii) upon a showing that the violation was the result of  
31 a good faith miscalculation, error or reliance on erroneous information from a third party.

32 (b) In any action that is brought to recover unpaid employment-based compensation  
33 resulting from a violation of sections 33E, 52E, 148, 148A, 148B, 148C, 150C, 152, 152A, 159C

34 or 190 of this chapter or section 19 of chapter 151 and that seeks treble damages under section  
35 150 of this chapter, if the employer shows to the satisfaction of the court that the employer's act  
36 or omission giving rise to such action was in good faith, and that the employer had reasonable  
37 grounds for believing that its act or omission was not a violation of such laws, the court may, in  
38 its sound discretion, award no statutory or treble damages.