MAINE STATE LEGISLATURE

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STATE	LAW	LIBRAI	RΥ
AUGL	ISTA,	MAINE	=

L.D. 1335

(Filing No. H-332)

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STATE OF MAINE HOUSE OF REPRESENTATIVES 116TH LEGISLATURE FIRST REGULAR SESSION

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" to H.P. 993, L.D. 1335, Bill, "An COMMITTEE AMENDMENT " Act to Bring the State Tipping Wage up to the Federal Tipping Wage"

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Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

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'Sec. 1. 26 MRSA §664, 2nd ¶, as amended by PL 1987, c. 738, §2, is repealed and the following enacted in its place:

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An employer may consider tips as part of the wages of a service employee, but such a tip credit may not exceed 50% of the minimum hourly wage established in this section. An employer who elects to use the tip credit must inform the affected employee in advance and must be able to show that the employee receives at least the minimum hourly wage when direct wages and the tip credit are combined. Upon a satisfactory showing by the employee or the employee's representative that the actual tips received were less than the tip credit, the employer shall increase the direct wages by the difference.

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Sec. 2. Posting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 701, the Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the law resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary, due to an insufficient supply of such notices or future changes in the law, to print additional notices.

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_{. P}. J. 3.

COMMITTEE AMENDMENT "/ " to H.P. 993, L.D. 1335

Sec. 3. Effective date. This Act takes effect October 1, 1993.

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FISCAL NOTE

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The Department of Labor will incur some minor additional costs to administer certain requirements regarding the minimum wage laws. These costs can be absorbed within the department's existing budgeted resources.'

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STATEMENT OF FACT

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This amendment replaces the original bill but achieves the same result of making the state minimum wage for service employees who receive tips the same as the requirements under federal law. The original bill brings the wage for tipped employees to 50% of the state minimum wage in 2 steps while the amendment makes the transition in one step. Rather than amending the current language as the original bill did, the amendment replaces the language with a straightforward method of determining the minimum wage for employees who receive tips. The amendment also provides that the Bureau of Labor Standards need not update its printed notice at this time. The amendment establishes an effective date of October 1, 1993 and adds a fiscal note.

Reported by the Committee on Labor Reproduced and distributed under the direction of the Clerk of the House 5/17/93 (Filing No. H-332)