

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1335

H.P. 993

House of Representatives, April 23, 1993

**An Act to Bring the State Tipping Wage up to the Federal Tipping Wage.**

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Received by the Clerk of the House on April 21, 1993. Referred to the Committee on Labor and 1200 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MICHAEL of Auburn.  
Cosponsored by Representatives: KUTASI of Bridgton, TRUE of Fryeburg, TUFTS of Stockton Springs, Senator: LUTHER of Oxford.

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

**Sec. 1. 26 MRSA §664, 2nd ¶**, as amended by PL 1987, c. 738, §2, is further amended to read:

6 In determining the wage of a service employee, the amount  
paid such ~~that~~ employee by his ~~that~~ employee's employer shall ~~be~~  
8 is deemed to be increased on account of tips by an amount  
determined by the employer, but not by an amount in excess of  
10 ~~\$1.64 per hour in 1987 and \$1.74 per hour starting January 1,~~  
~~1989 and, starting January 1, 1990, at the minimum hourly wage~~  
12 ~~set forth in this section, minus \$2.01 per hour;~~ \$2.18 per hour  
starting October 1, 1993 and 50% of the applicable minimum wage  
14 starting October 1, 1994, except ~~that in the case of~~ if an  
employee who, either ~~himself~~ or acting through his an employee's  
16 representative, shows to the satisfaction of the director that  
the actual amount of tips received by him ~~the employee~~ was less  
18 than the amount determined by the employer as the amount by which  
the wage paid him ~~the employee~~ was deemed to be increased, the  
20 amount paid such ~~that~~ employee by his the employer shall ~~be~~ is  
deemed to have been increased by such the lesser amount.

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**STATEMENT OF FACT**

28 This bill in effect sets the minimum wage for employees who  
receive tips at \$2.07 per hour starting on October 1, 1993 and  
30 raises it to 50% of the state minimum wage effective October 1,  
1994. Under current state law, the minimum wage is set at the  
32 same rate as the federal minimum wage, currently \$4.25 per hour,  
and will increase as the federal minimum increases, to a maximum  
34 of \$5.00 per hour. The current state minimum wage for employees  
who receive tips is \$2.01 per hour and will remain at that level  
even if the state minimum wage increases. The current federal  
36 minimum wage for employees who receive tips is 50% of the federal  
minimum wage. This bill will gradually bring the wages of  
38 employers not covered by the federal minimum wage laws up to the  
same level as employers who are covered by the federal minimum  
40 wage laws.