

MAINE STATE LEGISLATURE

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August 20, 1965

Judge E. Ames

Labor and Industry

Phillip M. Kilmister, Assistant

Attorney General

Effective Date of Overtime Requirements in Minimum Wage Law.

Confusion in interpreting the language of Chapter 410, Section 664, P. L. 1965, arises because of the following wording and punctuation adopted by our Legislature:

"§ 664. Compliance required
". . . it is declared unlawful for any employer to employ any employee except as otherwise provided in this subchapter at the rate of less than \$1.15 per hour for one year starting October 15, 1965 and thereafter \$1.25 per hour; nor work more than 48 hours in any one week, unless 1½ times the regular hourly rate is paid for all work done over 48 hours in any one week. . . ."

The fact that our Legislature has attacked two distinct evils, substandard wages and excessive hours of employment, in separate provisions in the same sentence does not mean that a qualification as to one provision necessarily applies to the other. On the other hand, the separation of the two provisions by a semicolon does not mean that said provisions are entirely independent. Punctuation is a fallible standard by which to interpret statutory language.

Of prime importance is the fact that the Legislature has seen fit to posit the overtime pay provision in the only section of our minimum wage law amendments which is to take effect at a time other than 90 days after legislative enactment. The title of the section is "Compliance Required," and there are references to the dates when such compliance becomes necessary preceding and succeeding the overtime payment clause. Reading the statutory section as a whole, we believe that the provision providing for overtime pay shall take effect at the same time as the provision which establishes the minimum hourly wage rate, to wit: October 15, 1965.

PKK/sll

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