

MAINE STATE LEGISLATURE

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Minimum Wage Coverage of Public-Supported Nonprofit Hospitals and Nursing Homes.

FACTS:

One section of our minimum wage law appears to exempt from coverage thereunder, individuals who work for public-supported nonprofit hospitals and nursing homes. Another section of the minimum wage law indicates that such employees are entitled to payment of the minimum hourly wage rate.

QUESTION:

Are employees of public-supported nonprofit hospitals and nursing homes entitled to payment of the minimum hourly wage rate?

ANSWER:

Yes. 26 M.R.S.A. § 663 (3) E as amended, provides exemption status for:

"Any individual engaged in the activities of a public-supported nonprofit organization or in a program controlled by an educational nonprofit organization."

"Public-supported nonprofit organizations" is a large umbrella which clearly covers certain hospitals and nursing homes. Standing alone, it would appear that employees of public-supported nonprofit hospitals and nursing homes would be exempt under the terms of § 663 (3) E.

However, 26 M.R.S.A. § 664 of the minimum wage law provides in part:

". . . Except that on October 15, 1965 to October 15, 1966, these employees in a nursing home or employees in a hospital shall be paid at a rate of no less than \$1.00 per hour. From October 15, 1966 to October 15, 1967 they shall be paid at a rate of no less than \$1.15 per hour and thereafter at a rate no less than \$1.25 per hour. . . ."

Where there are apparent contradictory provisions within a law, that provision which is more consistent with the over-all policy or purpose of the law should govern. The policy of the minimum wage law is set forth in 26 M.R.S.A. § 661, and reads as follows:

"It is the declared public policy of the State of Maine that workers employed in any occupation should receive wages sufficient to provide adequate maintenance and to protect their health, and to be fairly commensurate with the value of the services rendered."

As we have emphasized in previous opinions, exemptions under the minimum wage law should be strictly construed against employers so as to include as many employees as possible.

We do not believe that the legislature intended to favor employees of private hospitals and nursing homes over employees of public-supported nonprofit hospitals and nursing homes. Rather, we think that the legislature intended to grant coverage to both, and that the language of § 664 quoted supra, means precisely what it says.

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