

MAINE STATE LEGISLATURE

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File

April 24, 1974

Madge E. Ames, Deputy Director

Labor and Industry

Leon V. Walker, Jr., Assistant

Attorney General

Date of Increase in Minimum Wage

This is in reply to your memorandum of April 8, 1974, in which you ask whether there will be an increase in the Maine minimum wage to \$2, effective May 1, 1974. The answer is yes.

26 M.R.S.A. §664, as amended by P.L. 1973, c. 625, § 171, effective October 4, 1973 provides a minimum wage of \$1.90 per hour, and further provides that, "whenever the highest federal minimum wage is increased in excess of \$1.90 per hour, the minimum wage established under this section shall be increased to the same amount, effective either on the same date as the increase in the highest federal minimum wage or September 23, 1971, whichever occurs later, but in no case shall the minimum wage exceed \$3 per hour."

By enactment of P. L. 1973, c. 752, the Special Session of the Legislature amended the above portion of 26 M.R.S.A. §664 to read, "whenever the highest federal minimum wage is increased in excess of \$2 per hour, the minimum wage established under this section shall be increased to the same amount effective on the same date as the increase in the highest federal minimum wage, but in no case shall the minimum wage exceed \$3 per hour. . . ." Section 2 of c. 752 provides: "This Act shall become effective October 15, 1974."

Congress has enacted in a new federal minimum wage law, signed recently by the President, which increases the highest federal minimum wage to \$2, effective May 1, 1974. An argument has been presented to you contending that the words in P. L. 1973, c. 752 that i.e., "whenever the highest federal minimum wage is increased in excess of \$2 per hour" means that Maine will not go to \$2 at the time of the increase in the federal wage, but will wait until October 15.

P. L. 1973, c. 752, enacted March 22, 1974, does not, by its own provisions, become effective until October 15, 1974. Until that date, therefore, the provisions of P. L. 1973, c. 625, §171 are in effect, and when the increase in the highest federal wage (\$2 per hour) occurs on May 1, being "in excess of \$1.90 per hour," to use the words in the State law, the Maine minimum wage must be increased "to the same amount" effective on that date.

Leon V. Walker
Assistant Attorney General

LW/bls

AN INFORMAL OPINION