

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 1367

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S. P. 433

In Senate, February 24, 1965

Referred to Committee on Labor. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Norris of Oxford.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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AN ACT Revising the Minimum Wage Law.

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

**Sec. 1. R. S., T. 26, § 662, amended.** Section 662 of Title 26 of the Revised Statutes is amended to read as follows:

**§ 662. Coverage**

Employers employing ~~4 employees or more~~ anyone in any day of the week are subject to this subchapter for that week ~~and in the count of employees there shall be included waiters, waitresses, doormen, bellhops and chambermaids; students; and members of the family of the employer otherwise exempt under section 663, subsection 3.~~

**Sec. 2. R. S., T. 26, § 663, sub-§ 3, ¶¶ C, D, E and F, amended.** Paragraphs C, D, E and F of subsection 3 of section 663 of Title 26 of the Revised Statutes are amended to read as follows:

**C.** Any individual employed as a waiter, waitress, car hop, not to include counter waiters or waitresses, or those whose tips are required to be divided with others; doorman or bellhop ~~or as a chambermaid in a resort establishment~~; or those employees whose earnings are derived in whole or in part from sales commissions and whose hours and places of employment are not substantially controlled by the employer;

**D.** ~~Any individual employed as a taxicab driver;~~

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

tion or employed in a private nursing home; or employed in a private hospital;

F. ~~Those employees who are counselors or junior counselors at summer camps for boys or girls; or employees of any business who are under the age of 19 and are regularly enrolled in an educational institution, or are on vacation therefrom;~~

**Sec. 3. R. S., T. 26, § 664, amended.** Section 664 of Title 26 of the Revised Statutes is amended to read as follows:

**‘§ 664. Compliance required**

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest health, safety and welfare, 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 40 hours in any one week, unless 1½ times the hourly rate is paid for all work done over 40 hours in any one week.**

**Sec. 4. R. S., T. 26, § 665, sub-§ 1, amended.** Subsection 1 of section 665 of Title 26 of the Revised Statutes is amended to read as follows:

**‘1. Examination of records, books; copies.** Every employer subject to this subchapter shall keep a true and accurate record of the hours worked by each employee and of the wages paid; and the commissioner or his authorized representative may, and upon ~~written~~ complaint ~~setting forth the violation of section 664,~~ shall have authority to enter the place of business or employment of any employer or employees in the State, as defined in section 663, for the purpose of examining and inspecting such records; and copy any or all of such records as he or his authorized representative may deem necessary or appropriate. Any and all information so received shall be considered as confidential and shall not be divulged to any other person or agency except insofar as may be necessary for the enforcement of this subchapter.’

**Sec. 5. R. S., T. 26, § 669, amended.** Section 669 of Title 26 of the Revised Statutes is amended to read as follows:

**‘§ 669. Enforcement**

Whenever the commissioner **obtains information on his own volition** or has information that any employer is violating this subchapter, he shall notify such employer immediately by registered mail of such violation and order such employer to comply with this subchapter. If such employer fails or refuses to comply with this subchapter, the county attorney of the county where the violation occurs shall, upon notification by the commissioner or upon the sworn complaint of any other person, institute criminal action against such employer.’

**Sec. 6. R. S., T. 26, § 670, amended.** The first sentence of section 670 of Title 26 of the Revised Statutes is amended to read as follows:

‘Any employer who ~~continues~~ is in violation of any provision of section 664 after having received notice from the commissioner shall be liable to the em-

ployee or employees affected thereby for the amount of unpaid minimum wages.'

**Sec. 7. R. S., T. 26, § 671, amended.** The last paragraph of section 671 of Title 26 of the Revised Statutes is amended to read as follows:

'Any employer, who discharges or in any other manner discriminates against any employee because such employee makes a complaint to the commissioner or to the county attorney concerning a violation of this subchapter, shall be punished by a fine of not less than \$50 nor more than \$200; **and in addition shall be liable to the civil liability provided in section 670 in an action instituted by the Attorney General or a county attorney in behalf of the employee.**'