

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
102ND LEGISLATURE

HOUSE AMENDMENT "B" to S. P. 526, L. D. 1504, Bill "An Act Revising the Minimum Wage Law."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

"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 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 all employees, including those otherwise exempt under section 663, subsection 3.'

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

'E. Any individual engaged in the activities of a public-supported nonprofit organization or in a program controlled by an educational nonprofit organization or employed in a private nursing home; or employed in a private hospital,'

'G. Any individual employed in the catching, taking, propagating, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as incident to, or in conjunction with, such fishing operations, including the going to and returning from work and including employment in the loading, and unloading when performed by any such employee or packing of such products for shipment or in propagating, processing (other than canning), marketing, freezing, curing, storing or distributing the above products or by products thereof; or any individual employed as a smoked fish worker,'

Sec. 3. R.S., T. 26, §663, sub-§5, amended. Subsection 5 of section 663 of Title 26 of the Revised Statutes is amended to read as follows:

'5. Wages. "Wages" paid to any employee includes compensation paid to such employee in the form of legal tender of the United States, checks on banks convertible into cash on demand and includes the reasonable cost to the employer who furnishes such employee board, or lodging or other services and benefits;'

Sec. 4. R.S., T. 26, §663, sub-§7, additional. Section 663 of Title 26 of the Revised Statutes is amended by adding a new subsection 7 to read as follows:

'7. Counter waiter or waitress. "Counter waiter or waitress," and employee who works at a counter and who is engaged  
(Filing No. H-370) (over)

for 25% or more of his or her working time in duties other than the serving of customers, including but not limited to preparation of food, dishwashing and cleaning.'

Sec. 5. 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 \$1.15 per hour during the first year from the effective date of this Act, and not less than \$1.25 per hour thereafter; provided, however, that employees of private nursing homes and private hospitals may be paid at the rate of not less than \$1 per hour during the first year from the effective date of this Act, not less than \$1.15 per hour during the 2nd year from the effective date of this Act, and not less than \$1.25 per hour thereafter.'

Sec. 6. 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, such records to be preserved by the employer for a period of at least 3 years; and shall furnish to each employee with each payment of wages a statement which shall clearly show the hours, total earnings and itemized deductions. 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. 7. R.S., T. 26, §669, repealed. Section 669 of Title 26 of the Revised Statutes is repealed as follows:

'§669. Enforcement

~~Whenever the commissioner 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.'~~

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Sec. 8. R.S.,T. 26, §670, amended. Section 670 of Title 26 of the Revised Statutes is amended to read as follows:

'§670. Employees' remedies

~~Any employer who continues in violation of any provision of section 664 after having received notice from the commissioner~~ shall be liable to the employee or employees affected thereby for the amount of unpaid minimum wages. Upon a judgment being rendered in favor of any employee or employees, in any action brought to recover unpaid wages under this subchapter, such judgment shall include, in addition to the unpaid wages adjudged to be due, an additional amount equal to such wages as liquidated damages, and costs of suit including a reasonable attorney's fee.'

Sec. 9. R.S.,T.26, & 671, amended. Section 671 of Title 26 of the Revised Statutes is amended to read as follows:

'§671. Penalties

Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200.

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.

In the event of the violation of any of the provisions of this subchapter, the Attorney General may institute injunction proceedings in the Superior Court to enjoin further violation thereof.'"

Filed by Mr. Cottrell of Portland.

Reproduced and distributed under the direction of the Clerk of the House.

(Filing No. H-370)

5/25/65