

MAINE STATE LEGISLATURE

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NEW DRAFT OF: S. P. 416, L. D. 1313

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1504

S. P. 526

In Senate, April 27, 1965

Reported by Senator O'Leary, from Committee on Labor. Printed under Joint Rules No. 10.

EDWIN H. PERT, Secretary

Presented by Senator O'Leary of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Revising the Minimum Wage Law.

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 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, ¶¶ E, F, G, amended. Paragraphs E, F 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;~~

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;~~

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, § 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 **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.** Except that on October 15, 1965 to October 15, 1966, those employees in a private nursing home or employees in a private hospital shall be paid at a rate of no less than \$1 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; and if they work more than 48 hours in any one week, 1½ times the regular hourly rate shall be paid for all work done over 48 hours in any one week.'

Sec. 5. R. S., T. 26, § 665, sub-§ 1, amended. The first sentence of subsection 1 of section 665 of Title 26 of the Revised Statutes is amended to read as follows:

'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.'

Sec. 6. 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.'~~

Sec. 7. 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 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.'~~

Sec. 8. R. S., T. 26, § 671, amended. The 2nd 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 in behalf of the employee.'~~

Sec. 9. R. S., T. 26, § 671, amended. Section 671 of Title 26 of the Revised Statutes is amended by adding at the end a new paragraph to read as follows:

'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.'