

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 172

S. P. 91

In Senate, January 18, 1967

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

JERROLD B. SPEERS, Secretary

Presented by Senator Good of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

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, § 663, sub-§ 3, ¶ C, amended. Paragraph C of subsection 3 of section 663 of Title 26 of the Revised Statutes, is 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~~ 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;

Sec. 2. R. S., T. 26, § 663, sub-§ 3, ¶ F, amended. Paragraph F of subsection 3 of section 663, of Title 26 of the Revised Statutes, as repealed and replaced by section 3 of chapter 410 of the public laws of 1965, is amended to read as follows:

F. Those employees who are counsellors or junior counsellors at summer camps for boys and girls; ~~and employees of said summer camps, other than counsellors or junior counsellors, 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 R. S., T. 26, § 663, sub-§ 3, ¶ F-1, repealed. Paragraph F-1 of subsection 3 of section 663 of Title 26 of the Revised Statutes, as enacted by section 2-A of chapter 410 of the public laws of 1965, is repealed as follows:

F-1. ~~Any individuals who do not replace regular employees of any business and who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom;~~

Sec. 4. R. S., T. 26, § 663, sub-§ 3, ¶ K, amended. Paragraph K of subsection 3 of section 663 of Title 26 of the Revised Statutes is amended to read as follows:

K. Any individual employed in a bona fide executive, administrative, or professional capacity, and who is paid on a salary basis of not less than \$90 weekly for one year starting October 15, 1967, and thereafter not less than \$100 weekly.

Sec. 5. R. S., T. 26, § 663, sub-§ 8, additional. Section 663 of Title 26 of the Revised Statutes, as amended, is further amended by adding a new subsection 8, to read as follows:

8. Service employee. "Service employee", any employee engaged in an occupation in which he customarily and regularly receives more than \$20 a month in tips.

Sec. 6. R. S., T. 26, § 664, amended. Section 664 of Title 26 of the Revised Statutes, as amended by section 5 of chapter 410 of the public laws of 1965, is further amended by adding at the end thereof the following:

In determining the wage of a service employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50% of the applicable minimum wage rate, except that in the case of an employee who, either himself or acting through his representative, shows to the satisfaction of the commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount.

Employees who are under the age of 19 and are regular enrolled in an educational institution or are on vacation therefrom may be paid a rate of not less than 75% of the applicable minimum wage rate required for other employees in the same occupation.

Sec. 7. R. S., T. 26, § 665, sub-§ 1, amended. The first sentence of subsection 1 of section 665 of Title 26 of the Revised Statutes, as amended by section 6 of chapter 410 of the public laws of 1965, is further 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, 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 date of the pay period, the hours, total earnings and itemized deductions.

Sec. 8. R. S., T. 26, § 672, additional. Title 26 of the Revised Statutes is amended by adding a new section 672, to read as follows:

§ 672. Unfair contracts

No employer shall by a special contract with an employee or by any other means exempt himself from this subchapter.