

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1475

H. P. 1008

House of Representatives, March 8, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Harriman of Hollis.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to 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, ¶¶ L-O, additional. Subsection 3 of section 663 of Title 26 of the Revised Statutes, as amended, is further amended by adding 4 new paragraphs, to read as follows:

L. Any individual employed by any retail or service establishment, except an establishment engaged in laundering, cleaning or repairing clothing or fabrics or an establishment engaged in the operation of a hospital, institution or school, if such establishment has an annual dollar volume of sales which is less than \$250,000, exclusive of excise taxes at the retail level which are separately stated. A retail or service establishment shall mean an establishment 75% of whose annual dollar volume of sales of goods or services, or of both, is not for resale and is recognized as retail sales or services in the particular industry; or

M. Any individual employed by an establishment which is an amusement or recreational establishment, if it does not operate for more than 7 months in any calendar year, or during the preceding calendar year its average receipts for any 6 months of such year were not more than 33 1/3% of its average receipt for the other 6 months of such year; or

N. Any individual employed by an establishment which qualifies as an exempt retail establishment under paragraph L and is recognized as a retail establishment in the particular industry, notwithstanding that such establishment makes or processes at the retail establishment, the goods that it sells; or

O. Any individual employed in the canning, processing, marketing, freezing, curing, storing, packing for shipment or distributing of any kind of fish, shellfish or other aquatic forms of animal or vegetable life, or any byproduct thereof.

Sec. 2. R. S., T. 26, § 664, amended. The last sentence of 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 to read as follows:

The overtime provision of this section shall not apply to the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce, and meat and fish products, nor to the canning of perishable goods, nor to nursing homes and hospitals, nor to hotels and motels, nor to drivers or driver's helpers making local deliveries who are compensated for such employment on the basis of trip rates, nor to individuals engaged in the transportation and preparation for transportation of fruits or vegetables from the farm to the place of first processing or first marketing or in the transportation between the farm and any point, of persons employed or to be employed in the harvesting of fruits or vegetables.

The commissioner, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order, provide for the employment of full-time students regardless of age, but in compliance with applicable child-labor laws, on a part-time basis in retail or service establishments, not to exceed 20 hours in any work week, or on a part-time basis or a full-time basis in such establishments during school vacations by issuing a special certificate authorizing employment, at a wage rate not less than 85% of the minimum wage applicable, except that the proportion of student hours of employment to total hours of employment of all employees in any establishment may not exceed such proportion for the corresponding month of the 12-month period preceding October 15, 1965, or in the case of a retail or service establishment coming into existence after October 15, 1965, or a retail or service establishment for which records of student hours worked are not available, a proportion of student hours of employment to total hours of employment of all employees based on the practice during the 12-month period preceding October 15, 1965, in similar establishments of the same employer in the same general area in which the new establishment is located, similar establishments of the same employer in the same or nearby counties, or other establishments of the same general character operating in the community or the nearest comparable community. Before the commissioner may issue a certificate as provided for in this section he must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under this subsection.