

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 695

S. P. 233

In Senate, February 10, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Amending 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, ¶ E, amended. Paragraph E of subsection 3 of section 663 of Title 26 of the Revised Statutes, as amended by section 2 of chapter 410 of the public laws of 1965, is further 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,~~ including but not limited to educational ~~nonprofit organization~~ organizations, which operate in whole or in part on funds appropriated or granted by an agency of the federal, state, county or municipal government or funds donated by the public through general fund drives;

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 Paragraph F of subsection 3 of section 663 of Title 26 of the Revised Statutes, as repealed and replaced by section 3 of chapter 410 of the public laws of 1965, is amended to read as follows: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, § 664, amended. The last sentence of the first paragraph of section 664 of Title 26 of the Revised Statutes, as repealed and replaced by section 41 of chapter 590 of the public laws of 1969, is amended to read as follows:

The overtime provision of this section shall not apply to seamen, 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 hotels, motels, restaurants and other eating establishments.~~

STATEMENT OF FACT

The wording of the exemption now provided for nonprofit organizations is vague and subject to a variety of interpretations. This should be clarified.

Students under 19 years of age are now subject to the minimum wage at a rate which is 75 per cent of the minimum wage required for other employees in the same occupation. The only exception is for such students when they are employed in children's summer camps. When they are regular employees and not counselors or junior counselors, such students should not be discriminated against because their work happens to be done in a camp environment. The required rate would not be excessive, especially since most of them receive full room and board which can be counted as part of the wage.

Removal of the overtime exemption for hotels, motels and restaurants would result in the shortening of hours of work and the opening of jobs to more workers, since it is less expensive to hire two people for 40 hours each than it is to work one person 80 hours when premium pay is required for overtime. Further, it is a form of discrimination to require premium pay for overtime in stores and other businesses when their fellow businessmen in the restaurant and hotel industry are not required to pay it.