

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1329

H. P. 1039

House of Representatives, March 21, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Connolly of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Defining Applicability of Federal Fair Labor Standards Act to
Inmates of Correctional Institutions.

Be it enacted by the People of the State of Maine, as follows:

34 MRSA § 4-A is enacted to read:

§ 4-A. Applicability of Federal Fair Labor Standards Act

Inmates of state correctional facilities, who are regularly employed in profit-making enterprises within correctional facilities themselves, profit-making enterprises outside correctional facilities in work-release programs, or otherwise, and those institutional assignments which are of significant economic benefit to the State and which it would be necessary otherwise to accomplish through the use of regular state or private employees, shall be considered by the State as "employees" and regarding such inmates employed in institutionally-administered programs, the Department of Mental Health and Corrections shall be considered as an "employer" within the meaning of the Federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 et seq.

For an inmate so employed, the Department of Mental Health and Corrections may establish reasonable charges for room, board, medical attention and other expenses consistent with the maintenance of the inmate at the institution, and may establish separate accounts, with the agreement of the inmate, for support of his dependents and for restitution to the victims of his offense.

STATEMENT OF FACT

As an aid to developing occupational skills in convicted persons and to ease the public burden of supporting correctional facilities and the families

of inmates confined in such facilities and to provide compensation to the victims of crime, Maine adult correctional institutions are rapidly moving to establish regular job training programs which employ greater numbers of correctional inmates in profit-making enterprises, both within correctional facilities and in the outside community. In addition, adult inmates are being encouraged increasingly to assume greater responsibility for the completion of necessary tasks in the actual day to day running of correctional facilities.

In order to provide the means for equitable compensation of such employment and to provide the resources necessary to fund vocational programs for that portion of the inmate population to be employed in such economically beneficial activities, payment of these particular inmates at least at the rate, and under the guidelines, of the state and federal minimum wage laws should be established.

Inmates not employed in such gainful activities would be automatically excluded from state and federal minimum wage guidelines by the above legislation.