

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 552

H. P. 435

House of Representatives, February 14, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. Connolly of Portland.

Cosponsors: Mr. Laffin of Westbrook and Mr. Baker of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Require that all Public Employees be Paid at Least the Federal
Minimum Wage.**

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

Sec. 1. 26 MRSA § 663, sub-§ 3, ¶ E, as amended by PL 1965, c. 410, § 2, is repealed and the following enacted in its place:

E. Any individual engaged in the activities of a public supported nonprofit organization or an educational nonprofit organization, neither of which is a political body or its political or administrative subdivision;

Sec. 2. 26 MRSA § 663, sub-§ 10, is enacted to read:

10. Public employees. "Public employees" are considered employees within the meaning of this section and include any person whose wages are paid by a state or local public employer, including the State, a county, a municipality, the University of Maine, a school administrative unit and any other political body or its political or administrative subdivision.

Sec. 3. 26 MRSA § 664, first sentence, as amended by PL 1975, c. 352, is further amended to read:

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 \$2.30 per hour; or to require any employee to work more than 40 hours in one week, unless 1 1/2 times the regular hourly rate is paid for all work done over 40 hours in any one week; and whenever the highest federal minimum wage is increased in excess of \$2.30 per hour, the minimum wage established under this section shall be increased to the same amount, effective on the same date as the increase in the highest federal minimum wage, but in no case shall the minimum wage exceed ~~\$3~~ \$4 per hour.

Sec. 4. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

1979-80

FINANCE AND ADMINISTRATION

DEPARTMENT OF

All Other	\$14,000
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Sec. 5. Retroactive effect. Any employee who worked for a public employer in 1979 at a wage less than the federal minimum wage shall be reimbursed by that employer for the difference between \$2.90 per hour and those wages below that rate paid him between December 31, 1978 and the effective date of this Act.

STATEMENT OF FACT

The purpose of this bill is to require all Maine public employees to be paid at least the federal minimum wage. Beginning January 1, 1979 the minimum wage was raised to \$2.90 per hour. On January 1, 1980 it will increase to \$3.10. Specifically, this bill rewrites the paragraph which exempts many public employees and narrows its exemption to employees not specifically hired by a political body or its subdivisions; includes public employees within the group of the employees in Maine to be covered by the Maine minimum wages subchapter; links Maine's minimum wage to the federal minimum wage as long as it does not exceed \$4 and places all public employees under the subchapter's "time and 1/2" overtime provision, applicable to employees not administrators or professionals.

The appropriation for this bill is to fund the cost of increasing to the minimum wage the salary of approximately 217 state employees.

Section 5 of the bill makes the minimum wage requirement retroactive to January 1, 1979.