

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 352

H. P. 324

House of Representatives, January 21, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Establish a Minimum Wage for Emergency Service Personnel.

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

Sec. 1. 26 MRSA § 663, sub-§ 1-A is enacted to read:

1-A. Emergency service personnel. "Emergency service personnel" means any person employed in any of the following occupations, who works in that employment year round or seasonally at least 40 hours a week:

- A. As a police officer;**
- B. As a fire fighter;**
- C. With an ambulance or rescue service;**
- D. As a lifeguard; or**
- E. In direct care services in a hospital.**

Sec. 2. 26 MRSA § 663, sub-§ 3, ¶E, as repealed and replaced by PL 1979, c. 516, § 1, is amended to read:

E. Any individual, except emergency service personnel, 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Sec. 3. 26 MRSA § 663, sub-§ 3, ¶ F, as repealed and replaced by PL 1975, c. 92, is amended to read:

F. Those employees, **except emergency service personnel**, who are counsellors or junior counsellors at summer camps for boys and girls; and employees, **except emergency service personnel**, who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom, and who are employees of summer camps operated by or belonging to corporations or associations existing under the provisions of Title 13, Part 2;

Sec. 4. 26 MRSA § 664, first sentence, as amended by PL 1979, c. 54, 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 \$2.90 per hour, **and emergency service personnel, at the rate of less than \$4 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 \$2.90 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~~ **may** the minimum wage exceed \$4 per hour.

Sec. 5. 26 MRSA § 664, last paragraph, as amended by PL 1969, c. 504, § 43, is further amended to read:

Employees who are under the age of 19 and are regularly 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, **unless they are emergency service personnel, in which case they shall be paid at the same rate.**

STATEMENT OF FACT

This bill creates a minimum wage of \$4 per hour for emergency service personnel. They risk their lives in the line of duty and should be compensated for that risk by payment of an appropriate wage.