

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 994

6  
7 H.P. 763

House of Representatives, March 3, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

Cosponsors: Representative Zirkilton of Mount Desert, Representative  
11 Norton of Biddeford, and Senator Dutremble of York.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Encourage Small Businesses to  
18 Participate in Apprenticeship Programs.  
19

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

22 Sec. 1. 26 MRSA §667, as amended by PL 1971, c.  
23 20, §13, is repealed and the following enacted in its  
24 place:

25 §667. Apprentice

26 1. Special certificate. For any occupation  
27 within the scope of this subchapter, the director may  
28 cause to be issued to an employer of any learner, or  
29 of an employee under an approved apprentice training  
30 program, a special certificate authorizing employment  
31 at these wages, less than the minimum wage estab-  
32 lished by this subchapter, and for such period of  
33 time as shall be fixed by the director and stated in

1 the certificate. The director may hold such hearings  
2 and conduct such investigations as he shall deem  
3 necessary before fixing a special wage for the  
4 apprentice or learner.

5 2. Piecework agreements. The director shall  
6 issue a special piecework certificate to an employer  
7 authorizing employment of an apprentice at a  
8 piecework rate rather than the minimum wage estab-  
9 lished by this chapter, and stating the maximum dura-  
10 tion of the agreement, if he finds that:

11 A. The employer and the apprentice have signed a  
12 written agreement which provides for the  
13 apprentice's participation in a definite sequence  
14 of job training and for such related and supple-  
15 mental instruction as is necessary to qualify as  
16 a journeyman in that trade;

17 B. It is customary in that trade for employees  
18 to be paid based on the number of pieces of work  
19 done rather than on the basis of hours worked;

20 C. The employer has agreed to pay the apprentice  
21 a reasonable piecework rate that is equivalent to  
22 the rate paid to a trained journeyman, though the  
23 apprentice will earn less than the minimum hourly  
24 wage;

25 D. The agreement is for a reasonable length of  
26 time; and

27 E. The employer has 25 or fewer employees.

28 Sec. 2. 26 MRSA §1002, sub-§8 is enacted to  
29 read:

30 8. Appeals procedure. If the council refuses to  
31 register or terminates or cancels the registration of  
32 an apprenticeship program or apprenticeship agree-  
33 ment, any employer or apprentice affected by the  
34 council's action may appeal the action to the Commis-  
35 sioner of Labor.

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STATEMENT OF FACT

2           The purpose of this bill is to provide a method  
3 to establish apprenticeship programs in piecework  
4 industries when certain minimum standards are met.  
5 An employer is allowed to pay on a piecework basis  
6 rather than pay the minimum wage if the Director of  
7 the Bureau of Labor Standards finds that the employer  
8 and apprentice have signed an agreement specifying  
9 the training the apprentice will receive, that the  
10 agreement is for a reasonable time, that it is cus-  
11 tomary in that trade to be paid on a piecework basis  
12 and the employer is paying the going rate per piece,  
13 and that the employer has 25 or fewer employees.

14           This bill also provides for an appeal procedure  
15 if the State Apprenticeship and Training Council  
16 refuses to register or cancels the registration of an  
17 apprenticeship program. This bill allows an appeal  
18 to the Commissioner of Labor.

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