

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 644

6  
7 S.P. 249

In Senate, February 21, 1985

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Tuttle of York.

Cosponsored by Representative Hepburn of Skowhegan.

11  
12 STATE OF MAINE  
13

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

17 AN ACT Concerning Small Business  
18 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.  
23 620, §13, is repealed and the following enacted in  
24 its 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 such wages, less than the minimum wage established  
32 by this subchapter, and for such period of time as  
33 shall be fixed by the director and stated in the cer-  
34 tificate. The director may hold such hearings and  
35 conduct such investigations as he deems necessary be-

1 fore fixing a special wage for the apprentice or  
2 learner.

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

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

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

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

23 D. The agreement is for a reasonable length of  
24 time; and

25 E. The employer has 25 or fewer employees.

26 Sec. 2. 26 MRSA §1002-A is enacted to read:

27 §1002-A. Appeals procedure

28 If the council refuses to register or terminates  
29 or cancels the registration of an apprenticeship pro-  
30 gram or apprenticeship agreement pursuant to section  
31 1002, any employer or apprentice affected by the  
32 council's action may appeal the action to the Commis-  
33 sioner of Labor.

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STATEMENT OF FACT

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

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

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