

MAINE STATE LEGISLATURE

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(NEW DRAFT OF H.P. 1431, L.D. 1948)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2582

H.P. 1887 House of Representatives, March 24, 1988
Reported by Representative MCHENRY from the Committee on
Labor and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative DIAMOND of
Bangor. Cosponsored by President PRAY of Penobscot, Speaker
MARTIN of Eagle Lake and Senator DUTREMBLE of York.

STATE OF MAINE

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

1 **AN ACT to Increase the Minimum Wage.**
2

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

5 **Sec. 1. 26 MRSA §664, first ¶, as amended by PL**
6 1985, c. 76, §2, is further amended to read:

7 By reason of the declaration of policy set forth
8 in section 661 and in the protection of the industry

1 or business and in the enhancement of public interest,
2 health, safety and welfare, it is declared unlawful
3 for any employer to employ any employee, except as
4 otherwise provided in this subchapter, at the rate of
5 less than \$3.45 per hour starting on January 17
6 1985, and \$3.55 per hour starting on January 17 1986,
7 and \$3.65 per hour starting on January 17 in 1987
8 and \$3.75 per hour starting January 1, 1989 and \$3.85
9 per hour starting January 1, 1990, but in no case may
10 the minimum hourly wage exceed the average minimum
11 hourly wage of the 5 other New England states; or to
12 require any employee to work more than 40 hours in one
13 week, unless 1 1/2 times the regular hourly rate is
14 paid for all work done over 40 hours in any one week;
15 and whenever the highest federal minimum wage is
16 increased in excess of \$3.55 per hour, the minimum
17 wage established under this section, the minimum wage
18 shall be increased to the same amount, effective on
19 the same date as the increase in the highest federal
20 minimum wage, but in no case shall the minimum wage
21 exceed \$4.50 per hour. The overtime provision of
22 this section shall not apply to seamen, the canning,
23 processing, preserving, freezing, drying, marketing,
24 storing, packing for shipment or distribution of
25 herring as sardines, of perishable foods, of
26 agricultural produce and meat and fish products, nor
27 to the canning of perishable goods, nor to hotels,
28 motels, restaurants and other eating establishments,
29 public employees, nor to automobile mechanics or
30 automobile salesmen.

31 **Sec. 2.** 26 M RSA §664, 2nd ¶, as amended by PL
32 1985, c. 576, is further amended to read:

33 In determining the wage of a service employee, the
34 amount paid such employee by his employer shall be
35 deemed to be increased on account of tips by an amount
36 determined by the employer, but not by an amount in
37 excess of \$1.54 in 1986, and \$1.64 per hour
38 beginning on January 17 in 1987, and \$1.74 per
39 hour starting January 1, 1989 and, starting January 1,
40 1990; at the minimum hourly wage set forth in this
41 section, minus \$2.01 per hour; except that in the case
42 of an employee who, either himself or acting through
43 his representative, shows to the satisfaction of the
44 director that the

1 actual amount of tips received by him was less than
2 the amount determined by the employer as the amount by
3 which the wage paid him was deemed to be increased,
4 the amount paid such employee by his employer shall be
5 deemed to have been increased by such lesser amount.

6 **Sec. 3. Appropriation.** The following funds are
7 appropriated from the General Fund to carry out the
8 purposes of this Act.

9 1988-89

10 HUMAN SERVICES,
11 DEPARTMENT OF

12 Supplemental Security Income

13 All Other \$72,177

14 Provides funds to
15 reimburse boarding
16 homes for increased
17 wages.

18 FISCAL NOTE

19 The projected cost of this new draft is \$216,531
20 for fiscal year 1989-90 and \$288,708 thereafter.

21 STATEMENT OF FACT

22 This new draft increases the minimum wage by 10¢
23 to \$3.75 effective January 1, 1989 and 10¢ to \$3.85
24 effective January 1, 1990 unless the average minimum
25 wage of the New England States is less than \$3.85.
26 This mechanism increases the minimum wage to a level
27 consistent with the minimum wage throughout the
28 region. The wage rate for employees receiving tips is
29 maintained.

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