

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1729

H.P. 1279

House of Representatives, January 4, 2012

### **An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities**

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Submitted by the Department of Labor pursuant to Joint Rule 204.

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative VOLK of Scarborough.  
Cosponsored by Senator RECTOR of Knox.

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

2 **Sec. 1. 26 MRSA §666**, as amended by PL 1971, c. 620, §13, is further amended  
3 to read:

4 **§666. Workers with disabilities**

5 For any employment ~~in~~ to which the minimum wage is applicable, the director may  
6 issue to an employer for any person ~~physically handicapped by age, or otherwise, with a~~  
7 disability a special certificate authorizing the ~~employment of such person for a period not~~  
8 ~~to exceed one year at a wage less than the minimum wage established by this subchapter~~  
9 employer to pay that person a wage less than the minimum wage, based on the ability of  
10 the person to perform the duties required for that employment in comparison to the ability  
11 of a person who does not have a disability to perform the same duties. The director may  
12 hold ~~such~~ hearings and conduct ~~such~~ investigations as ~~he shall deem~~ necessary for the  
13 purpose of fixing the special minimum wage for the ~~licensee~~ person. ~~Such license~~ A  
14 certificate is valid for 2 years from the date of issue and may be renewed from time to  
15 time by the director. The director may issue a certificate to cover several employees with  
16 disabilities as long as the employer provides documentation justifying the special  
17 minimum wage.

18 **SUMMARY**

19 This bill updates current law to parallel requirements relating to the federal minimum  
20 wage outlined in Section 14(c) of the federal Fair Labor Standards Act of 1938. The  
21 revision permits the issuance of a certificate to an employer for the hiring of one or more  
22 persons with disabilities at a rate commensurate with the ability of those persons to  
23 perform the duties required in comparison to the ability of a person who does not have a  
24 disability. It extends the length of time a certificate is valid from one year to 2 years. As  
25 in current law, a certificate may be renewed.