

MAINE STATE LEGISLATURE

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ROB S

B
Mem.

L.D. 92

Date: 6/5/15

(Filing No. H-318)

Report B

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 75, L.D. 92, Bill, "An Act To Increase the Minimum Wage to \$8.00 per Hour"

Amend the bill by striking out the title and substituting the following:

'An Act To Increase the Minimum Wage'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 26 MRSA §664, sub-§1, as amended by PL 2007, c. 640, §4, is further amended to read:

1. Minimum wage. The minimum hourly wage is \$6.50 per hour. ~~Starting October 1, 2006, the minimum hourly wage is \$6.75 per hour. Starting October 1, 2007, the minimum hourly wage is \$7.00 per hour. Starting October 1, 2008, the minimum hourly wage is \$7.25 per hour. Starting October 1, 2009, the minimum hourly wage is \$7.50 per hour. Starting October 1, 2016, the minimum hourly wage is \$8.00 per hour. Starting October 1, 2017, the minimum hourly wage is \$8.50 per hour. Starting October 1, 2018, the minimum hourly wage is \$9.00 per hour.~~ If the highest federal minimum wage is increased in excess of the minimum wage in effect under this section, the minimum wage under this section is increased to the same amount, effective on the same date as the increase in the federal minimum wage, but in no case may the minimum wage exceed the minimum wage otherwise in effect under this section by more than \$1 per hour.

A municipality or political subdivision of the State may not enact any ordinance, law or rule regulating the minimum hourly wage rate.

Sec. 2. 26 MRSA §771, as amended by PL 1991, c. 544, §4, is further amended to read:

§771. Minors under 14 years of age

A minor under 14 years of age may not be employed, permitted or suffered to work in nonagricultural employment, ~~about~~ or in connection with agriculture, except for the

1 planting, cultivating or harvesting of field crops or other agricultural employment not in
 2 direct contact with hazardous machinery or hazardous substances, ~~any eating place,~~
 3 ~~automatic laundries, retail establishment where frozen dairy products are manufactured~~
 4 ~~on the premises, sporting or overnight camp, mercantile establishment or in outdoor~~
 5 ~~occupations on the grounds of a hotel, and a minor between the ages of 14 and 16 years~~
 6 ~~may not be so employed when the distance between the work place and the home of the~~
 7 ~~minor, or any other factor, necessitates the minor's remaining away from home overnight.~~
 8 This section does not apply to any such minor who is employed directly by, with or under
 9 the supervision of either or both of the minor's parents; or to any such minor employed in
 10 school lunch programs, if limited to serving food and cleaning up dining rooms.

11 Sec. 3. 26 MRSA §773, as amended by PL 2009, c. 487, Pt. B, §12, is further
 12 amended to read:

13 **§773. Minors 14 and 15 years of age prohibited in certain places**

14 A minor ~~under who is at least 14 years of age and younger than~~ 16 years of age may
 15 not be employed, permitted or suffered to work in, about or in connection with any
 16 manufacturing or mechanical establishment, ~~hotel, rooming house, laundry, except those~~
 17 ~~commonly known as automatic laundries, dry cleaning establishments, bakery, bowling~~
 18 ~~alley, poolroom, or commercial places of amusement, including traveling shows and~~
 19 ~~circuses, or in any theater or moving picture house or in conjunction with an amusement,~~
 20 ~~game or show that allows or conducts betting. The provisions of this section pertaining to~~
 21 ~~theaters do not apply to minors under 16 years of age who are employed or in training as~~
 22 ~~theatrical actors or film actors. This section does not prohibit a minor under 16 years of~~
 23 ~~age from performing work for a nonprofit organization that preserves film and other~~
 24 ~~moving images and provides education and research opportunities for the public or for a~~
 25 ~~theater that is operated by such an organization as an integral part of its mission.~~

26 The provisions of this section pertaining to manufacturing establishments shall do not
 27 apply to retail establishments employing minors under who are at least 14 years of age
 28 and younger than 16 years of age who are employed in retail establishments where any
 29 frozen dairy product or frozen dairy product mix or related food product is ~~manufactured~~
 30 produced on the premises for retail sales locally, regardless of trade name or brand or
 31 coined name.

32 ~~The provisions of this section pertaining to hotels do not apply to minors under 16~~
 33 ~~years of age who are employed in outdoor occupations on the grounds of a hotel or to~~
 34 ~~minors 15 years of age who are employed in kitchens, dining rooms, lobbies and offices~~
 35 ~~of a hotel. Minors 15 years of age are expressly prohibited from working in an area not~~
 36 ~~listed as permitted and are expressly prohibited from performing room service, making~~
 37 ~~deliveries of any sort to the hotel rooms or entering the hallways to those rooms.~~

38 ~~The provisions of this section pertaining to manufacturing and mechanical~~
 39 ~~establishments shall not apply to minors under 16 years of age who are employed on the~~
 40 ~~grounds of a manufacturing or mechanical establishment, but who are assigned~~
 41 ~~nonhazardous work which is performed outside of any building in which manufacturing~~
 42 ~~or mechanical operations are undertaken.~~

43 The provisions of this section pertaining to ~~manufacturing or mechanical~~
 44 ~~establishments, laundries, dry cleaning establishments and bakeries shall do not~~ apply to

minors ~~under~~ who are at least 14 years of age and younger than 16 years of age who are employed in retail sales, customer service operations or office work for these establishments, provided that retail, customer service or office areas are in a separate room.

Notwithstanding other provisions of this section, a minor ~~under~~ who is at least 14 years of age and younger than 16 years of age may be employed at a commercial place of amusement operating at a permanent location, except that minors ~~under 16 years of age~~ may not be employed at games of chance as defined in Title 17, chapter 62 or hazardous occupations as determined by the director.

Sec. 4. 26 MRSA §774, sub-§1, as amended by PL 2011, c. 174, §§1 to 3, is further amended to read:

1. Minors 16 and 17 years of age. A minor ~~under~~ who is at least 16 years of age and younger than 18 years of age, enrolled in school, may not be employed as follows:

~~A. More than 50 hours in any week when the minor's school is not in session;~~

B. More than 24 hours in any week when the minor's school is in session. In addition, the maximum weekly hours a minor may work is 50 hours during any week that the approved school calendar for the minor's school is less than 3 days or during the first or last week of the school calendar, regardless of how many days the minor's school is in session for the week. If requested, a school must provide verification of its closings to the minor's employer or the Department of Labor;

~~C. More than 10 hours in any day when the minor's school is not in session;~~

D. More than 6 hours in any day when the minor's school is in session, except that the minor may work up to 8 hours on the last scheduled day of the school week;

~~E. More than 6 consecutive days;~~

F. After ~~10:15~~ 11:00 p.m. on a day preceding a day on which the minor's school is in session or after 12 midnight on a day that does not precede such a school day; or

G. Before 7 a.m. on a day on which the minor's school is in session or before 5 a.m. on any other day.

Sec. 5. 26 MRSA §774, sub-§2, ¶D, as enacted by PL 1991, c. 544, §5, is amended to read:

D. More than 3 hours in any day when school is in session; or

Sec. 6. 26 MRSA §774, sub-§2, ¶E, as enacted by PL 1991, c. 544, §5, is repealed.

Sec. 7. 26 MRSA §774, sub-§3, as amended by PL 1991, c. 713, §2, is further amended to read:

3. Employment during hours school in session. A minor ~~under 17~~ who is at least 16 years of age and younger than 18 years of age may not be employed during the hours that the public schools of the town or city in which the minor resides are in session.

A. This subsection does not apply to:

- 1 (1) A minor who has been excused from attendance by school officials in
- 2 accordance with Title 20-A, section 5001-A, subsection 2 or subsection 3, except
- 3 that a minor who has been excused in accordance with subsection 3 may not be
- 4 employed during the hours that the minor's school or approved home instruction
- 5 program is in session;
- 6 (2) A student in an alternative education plan that includes a work experience
- 7 component;
- 8 (3) A student in an approved vocational cooperative education program; or
- 9 (4) A student who is granted permission for an early school release by the
- 10 school principal.

11 The hours worked by a student in an alternative education plan or in an approved
 12 vocational cooperative education program may not be included in determining the
 13 student's total hours of permitted employment under subsection 1 and subsection 2.

14 **Sec. 8. 26 MRSA §774, sub-§4**, as amended by PL 2009, c. 211, Pt. B, §23, is
 15 repealed and the following enacted in its place:

16 **4. Exemptions.** The restrictions set forth in this section do not apply to a minor
 17 performing work:

18 A. Planting, cultivating or harvesting field crops or other agricultural employment,
 19 including the initial processing of farm crops, as long as the work does not require
 20 direct contact with hazardous machinery or hazardous substances, in accordance with
 21 the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 212;

22 B. As an employed or in-training theatrical actor or film actor;

23 C. Taking or catching lobsters, fish or other marine organisms, as long as the work
 24 does not require direct contact with hazardous machinery or hazardous substances, in
 25 accordance with the federal Fair Labor Standards Act of 1938, 29 United States
 26 Code, Section 212; or

27 D. At a business that is solely owned by the minor's parent, as long as the work does
 28 not require direct contact with hazardous machinery or hazardous substances, in
 29 accordance with the federal Fair Labor Standards Act of 1938, 29 United States
 30 Code, Section 212.

31 **Sec. 9. 26 MRSA §781, sub-§1-A, ¶B**, as enacted by PL 2001, c. 46, §1, is
 32 amended to read:

33 B. A violation of the number of hours a minor may work in any day under section
 34 774, subsection 1, paragraph B, C or D or section 774, subsection 2, paragraph C or
 35 D, as long as the violation is not greater than 10 minutes per day; and

36 **Sec. 10. 26 MRSA §781, sub-§1-A, ¶C**, as enacted by PL 2001, c. 46, §1, is
 37 amended to read:

38 C. A violation of the number of hours worked in a week under section 774,
 39 subsection 1, paragraph A or B or section 774, subsection 2, paragraph A or B, as
 40 long as the violation is not greater than 50 minutes in a week.

1 Sec. 11. 30-A MRSA §3007, sub-§7 is enacted to read:

2 **7. Minimum wage.** A municipality may not adopt or enforce any ordinance
3 regulating the minimum hourly wage rate.

4 **Sec. 12. Appropriations and allocations.** The following appropriations and
5 allocations are made.

6 LABOR, DEPARTMENT OF

7 Administration - Bureau of Labor Standards 0158

8 Initiative: Provides funds to update and distribute the new minimum wage poster and
9 other related publications.

10	GENERAL FUND	2015-16	2016-17
11	All Other	\$0	\$16,500
12			
13	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$16,500</u>
14			

15 SUMMARY

16 This amendment, which is the minority report of the committee, strikes the bill and
17 replaces it with the following provisions governing the minimum wage and the
18 employment of minors.

19 1. It raises the minimum wage rate to \$8.00 per hour, starting October 1, 2016, \$8.50
20 per hour starting October 1, 2017 and \$9.00 per hour starting October 1, 2018.

21 2. It prohibits a municipality from enacting or enforcing its own minimum wage rate.

22 3. It conforms Maine law to federal law by providing that minors who are younger
23 than 14 years of age may be employed only in the planting, cultivating or harvesting of
24 field crops, or other agricultural employment that does not place them in direct contact
25 with hazardous machinery or hazardous substances.

26 4. It conforms to federal law the hours that minors who are 16 years of age and 17
27 years of age may work by extending the permissible time until which such a minor may
28 work on a day preceding a school day.

29 5. It eliminates the prohibition on minors under 16 years of age working more than 6
30 consecutive days.

31 6. It eliminates the prohibition on minors under 18 years of age working more than
32 50 hours per week when school is not in session.

33 7. It specifies that the restrictions on the hours of employment of minors do not apply
34 to:

35 A. Agricultural employment that does not require direct contact with hazardous
36 machinery or hazardous substances;

37 B. Employment or training as a theatrical actor or a film actor;

ROFS

COMMITTEE AMENDMENT "B" to H.P. 75, L.D. 92

- 1 C. The taking or catching of lobsters, fish or other marine organisms, as long as the
- 2 work does not require direct contact with hazardous machinery or hazardous
- 3 substances; and
- 4 D. Work at a business that is solely owned by the minor's parent, as long as the work
- 5 does not require direct contact with hazardous machinery or hazardous substances.
- 6 8. It adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



Approved: 05/29/15 *MAC*

127th MAINE LEGISLATURE

LD 92

LR 289(03)

An Act To Increase the Minimum Wage to \$8.00 per Hour

Fiscal Note for Bill as Amended by Committee Amendment *B(H-318)*
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
Net Cost (Savings)				
General Fund	\$0	\$16,500	\$16,500	\$16,500
Appropriations/Allocations				
General Fund	\$0	\$16,500	\$16,500	\$16,500

Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$16,500 in fiscal year 2016-17 to the Bureau of Labor Standards within the Department of Labor for the administrative costs associated with increasing the minimum wage. Of this amount, \$3,500 per year is for updating the minimum wage poster and other related publications, \$5,000 per year is related to postage costs to distribute the updated poster and publications to all employers in Maine and \$8,000 per year is for travel costs associated with compliance, education and outreach.

The first step on the lowest salary rate schedule in State Government is \$8.43 per hour. Currently there is no one being paid at that level. There are currently 2 employees being paid \$9.41 per hour. The 3-step increase in the minimum wage in the minority report will not increase salary costs to the State.