

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 1874

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H.P. 1340

House of Representatives, December 24, 2019

### An Act To Amend the Laws Governing the Subminimum Wage

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 20, 2019. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FECTEAU of Biddeford.  
Cosponsored by Senator LIBBY of Androscoggin and  
Representatives: BROOKS of Lewiston, CARNEY of Cape Elizabeth, CUDDY of Winterport,  
MOONEN of Portland, RILEY of Jay, STOVER of Boothbay, SYLVESTER of Portland,  
Senator: VITELLI of Sagadahoc.

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

2 **Sec. 1. 26 MRSA §666**, as amended by PL 2011, c. 483, §1, is further amended to  
3 read:

4 **§666. Workers with disabilities**

5 ~~For any employment to which the minimum wage is applicable, the~~ The director may  
6 not issue to an employer for ~~any~~ a person with a disability a special certificate authorizing  
7 the employer to pay that person a wage less than the minimum wage, based on the ability  
8 of the person to perform the duties required for that employment in comparison to the  
9 ability of a person who does not have a disability to perform the same duties. ~~The~~  
10 ~~director may hold hearings and conduct investigations as necessary for the purpose of~~  
11 ~~fixing the special minimum wage for the person. A certificate is valid for 2 years from~~  
12 ~~the date of issue and may be renewed by the director. The director may issue a certificate~~  
13 ~~to cover several employees with disabilities as long as the employer provides~~  
14 ~~documentation justifying the special minimum wage. An employer may not pay less than~~  
15 the minimum wage to a person by virtue of that person's having a mental or physical  
16 disability. A special certificate authorizing the payment of less than minimum wage to a  
17 person with a mental or physical disability issued pursuant to a law of this State or to a  
18 federal law is without effect.

19 **Sec. 2. Existing special certificates.** A special certificate issued pursuant to the  
20 Maine Revised Statutes, Title 26, section 666 before the effective date of this Act is not  
21 valid.

22 **SUMMARY**

23 This bill eliminates current exemptions from the minimum wage law that allow the  
24 payment of wages at less than the minimum wage rate to certain individuals with  
25 disabilities.