

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1332

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H.P. 846

House of Representatives, March 28, 2023

### **An Act to Strengthen Work Equity Regarding Employment of Minors and Unemployment Benefits**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative SAMPSON of Alfred.  
Cosponsored by Senator BRAKEY of Androscoggin and  
Representatives: GUERRETTE of Caribou, HYMES of Waldo, LYMAN of Livermore Falls.

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

2 **Sec. 1. 26 MRSA §664, sub-§1**, as amended by IB 2015, c. 2, §1, is further  
3 amended to read:

4 **1. Minimum wage.** Except as provided in subsection 1-A, this subsection establishes  
5 minimum hourly wages. The minimum hourly wage is \$7.50 per hour. Starting January  
6 1, 2017, the minimum hourly wage is \$9.00 per hour; starting January 1, 2018, the  
7 minimum hourly wage is \$10.00 per hour; starting January 1, 2019, the minimum hourly  
8 wage is \$11.00 per hour; and starting January 1, 2020, the minimum hourly wage is \$12.00  
9 per hour. On January 1, 2021 and each January 1st thereafter, the minimum hourly wage  
10 then in effect must be increased by the increase, if any, in the cost of living. The increase  
11 in the cost of living must be measured by the percentage increase, if any, as of August of  
12 the previous year over the level as of August of the year preceding that year in the  
13 Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W, for the  
14 Northeast Region, or its successor index, as published by the United States Department of  
15 Labor, Bureau of Labor Statistics or its successor agency, with the amount of the minimum  
16 wage increase rounded to the nearest multiple of 5¢. If the highest federal minimum wage  
17 is increased in excess of the minimum wage in effect under this section, the minimum wage  
18 under this section is increased to the same amount, effective on the same date as the  
19 increase in the federal minimum wage, and must be increased in accordance with this  
20 section thereafter.

21 **Sec. 2. 26 MRSA §664, sub-§1-A** is enacted to read:

22 **1-A. Minimum wages for minors.** Notwithstanding subsection 1, the hourly  
23 minimum wages for the following persons are the following amounts:

24 A. For persons 14 or 15 years of age, \$7.75; and

25 B. For persons 16 or 17 years of age, \$8.50.

26 On January 1, 2024 and each January 1st thereafter, the minimum hourly wage under this  
27 subsection then in effect must be increased by the increase, if any, in the cost of living,  
28 determined and applied in the same manner as prescribed under subsection 1.

29 **Sec. 3. 26 MRSA §774, sub-§3, ¶A**, as amended by PL 1991, c. 713, §2, is further  
30 amended to read:

31 A. This subsection does not apply to:

32 (1) A minor who has been excused from attendance by school officials in  
33 accordance with Title 20-A, section 5001-A, subsection 2 or subsection 3, except  
34 that a minor who has been excused in accordance with subsection 3, other than for  
35 an approved home instruction program, may not be employed during the hours that  
36 the minor's school ~~or approved home instruction program~~ is in session;

37 (2) A student in an alternative education plan that includes a work experience  
38 component;

39 (3) A student in an approved vocational cooperative education program; ~~or~~

40 (4) A student who is granted permission ~~for an early school release to work during~~  
41 the hours the school is in session by the school principal; ~~under an agreement with~~  
42 the minor's parent or guardian; or

1                    (5) A student in an approved home instruction program.

2                    **Sec. 4. 26 MRSA §1192, sub-§2**, as amended by PL 2021, c. 456, §18, is further  
3 amended to read:

4                    **2. Has registered for work.** The individual has registered for work at, and continued  
5 to report at, an employment office in accordance with rules the commissioner adopts,  
6 except that the commissioner may, by rule, waive or alter either or both of the requirements  
7 of this subsection as to individuals attached to regular jobs and as to such other types of  
8 cases or situations with respect to which the commissioner finds that compliance with the  
9 requirements would be oppressive, or would be inconsistent with the purposes of this  
10 chapter. A rule under this subsection may not conflict with section 1191, subsection 1.

11                    The individual must actively seek work each week in which a claim for benefits is filed  
12 unless the individual is participating in approved training under subsection 6 or work search  
13 has been waived in accordance with rules adopted by the commissioner and provide  
14 evidence of work search efforts in a manner and form as prescribed by the Department of  
15 Labor and in accordance with paragraph A. Failure to provide required work search  
16 documentation results in a denial of benefits in accordance with section 1194, subsection 2  
17 for the week or weeks for which no documentation was provided unless the department  
18 determines there is good cause for the individual's failure to comply with this requirement;.

19                    A. In order for an individual to meet the work search requirements under this section,  
20 the individual must provide evidence that the individual has applied in person or  
21 through an online application portal for available work openings as described in  
22 subsection 3;

## 23                    **SUMMARY**

24                    This bill:

25                    1. Establishes new minimum wages, separate from current minimum wages, for  
26 persons 14 to 17 years of age. For persons who are 14 or 15 years of age, the minimum  
27 wage is \$7.75. For persons 16 or 17 years of age, the minimum wage is \$8.50;

28                    2. Provides that a person who is homeschooled may work during school hours. It also  
29 provides that a school may authorize a student to work during school hours under an  
30 agreement with the student's parent or guardian; and

31                    3. Requires an individual seeking unemployment benefits to provide evidence that the  
32 individual has applied in person or through an online application portal for available work  
33 openings.