

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1531

S. P. 573

In Senate, May 3, 1955.

Reported by Divided Report B from Committee on Labor and printed under
Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Minimum Wages.

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

Sec. 1. R. S., c. 30 §§ 132-A - 132-G, additional. Chapter 30 of the revised statutes is hereby amended by adding thereto 7 new sections to be numbered 132-A to 132-G, inclusive, to read as follows:

‘Minimum Wages.

Sec. 132-A. Declaration of policy. It is the declared public policy of the State of Maine that workers employed in certain occupations should receive wages sufficient to provide adequate maintenance and to protect their health.

Sec. 132-B. Minimum wage 75c per hour. It shall be unlawful for any employer, employing 8 or more persons, to employ any employee at a rate of less than 75c per hour, but the term employee shall not include:

- I. any individual employed in agriculture;
- II. any individual employed by the United States, or by the State or any political subdivision thereof;
- III. any individual engaged in the activities of a public-supported non-profit organization or in a program controlled by an educational non-profit organization;
- IV. any individual engaged in commercial fishing;
- V. any individual employed as an outside salesman;
- VI. any individual employed as a newsboy, pin-boy, usher in a moving picture theatre or stage production, or as a golf caddie;

VII. any individual who is regularly enrolled in an educational institution or on vacation therefrom;

VIII. any apprentice, learner or physically or mentally handicapped person who has obtained a special license from the Commissioner of Labor and Industry as provided in subsection I of section 132-C;

IX. any individual employed as a switch board operator in a public telephone exchange which has less than 750 stations.

Sec. 132-C. Duties of Commissioner of Labor and Industry. The Commissioner of Labor and Industry shall have power and authority:

I. To authorize employment at wages less than 75c per hour of apprentices, learners or physically or mentally handicapped persons and to issue a special license therefor upon which shall be stated a definite hourly rate and expiration date.

II. To determine the amount of deductions allowed an employer for board in excess of 75c per meal, lodging in excess of actual cost, commissions, pension or retirement benefits, old age survivors insurance and other gratuities of a private or public nature.

III. Upon receipt of a written complaint under oath by an aggrieved employee, to investigate and ascertain wages paid by his employer, including the power to enter upon the premises of the employer and inspect all records and books pertaining to wages paid to the aggrieved employee. If upon investigation the Commissioner finds that the provisions of section 132-B and subsection II of this section have been violated, he shall issue and forward to the employer a minimum wage order. The minimum wage order shall be forwarded to the employer by registered mail personal receipt requested and become effective 14 days after being received by the employer. Said minimum wage order shall set forth a summary of the Commissioner's finding of fact and shall fix the hourly rate to be paid the aggrieved employee.

IV. In the event an employer can prove to the reasonable satisfaction of the Commissioner of Labor and Industry that compliance with section 132-B and subsection II of this section will invoke undue economic hardship upon his business or industry, the Commissioner may issue a special permit exempting said employer from complying with the aforesaid provisions. Said exemption may be extended for a period of 6-months and successive exemptions may be granted for additional 6-month periods.

Sec. 132-D. Appeals. If any employer or employee is aggrieved by any minimum wage order issued by the Commissioner of Labor and Industry under subsection III of section 132-C, he may within 20 days thereafter appeal to any Justice of the Superior Court by presenting to him a petition therefor in term time or vacation. Such Justice shall forthwith fix a time and place for immediate hearing which may be in vacation and cause notice thereof to be given to the Commissioner of Labor and Industry; and after hearing such Justice may affirm, modify or reverse the decision of the Commissioner. Pending judgment of the court, the decision of the Commissioner shall have full force and effect. Appeal by such aggrieved person to the law court from the decision of the Justice may

be taken as in equity cases. Upon such appeal, the proceedings shall be same as in appeal in equity procedure and law court may, after consideration, reverse or modify any decree so made by a Justice based upon an erroneous ruling or finding of law. The decision of the Justice of the Superior Court or the law court on appeal shall be retroactive to the date when the minimum wage order of the Commissioner was first effective.

Sec. 132-E. Penalties.

I. Any employer or any of his agents or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has made a written complaint under the provision of subsection III of section 132-C, or because such employer believes that said employee may make such complaint, shall be punished by a fine of not more than \$200 for each offense.

II. Any employer or any of his agents or the officer or agent of any corporation, who refuses or fails to furnish the Commissioner with records or books under the provisions of subsection III of section 132-C shall be punished by a fine of not more than \$200, and each day of such refusal or failure to furnish same to the Commissioner, upon demand, shall constitute a separate offense.

III. Any employer who willfully violates the provisions of section 132-B shall be punished by a fine of not more than \$200, and each day in any week that there has been such a violation shall constitute a separate offense.

Sec. 132-F. Civil actions. If any employee is paid by an employer less than the rate of wages applicable under the combined provisions of section 132-B and subsection II of section 132-C, such employee shall recover, in a civil action, three times the full amount of such minimum fair-wage less any amount actually paid to such employee by the employer, together with costs and such reasonable attorney fees as may be allowed by the court. No agreement between an employer and an employee to work for less than such wage rates shall be a defense to such action.

Sec. 132-G. Limitation of actions. No action shall be commenced under the provisions of sections 132-E or 132-F after the expiration of one year from the date that a cause of action arises.

Sec. 2. R. S., c. 30, §§ 133-147, repealed. Sections 133 to 147, inclusive, of chapter 30 of the revised statutes are hereby repealed.