

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 341

S. P. 131

In Senate, January 30, 1957.

Referred to the Committee on Labor. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Lord of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

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-M, additional. Chapter 30 of the Revised Statutes is hereby amended by adding thereto 13 new sections to be numbered 132-A to 132-M, 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 any occupation should receive wages sufficient to provide adequate maintenance and to protect their health, and to be fairly commensurate with the value of the services rendered.

Sec. 132-B. Definitions. Terms used in sections 132-A to 132-M, inclusive, shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

- I. “Commissioner,” the Commissioner of Labor and Industry and State Factory Inspector,
- II. “Employee,” any individual employed or permitted to work by an employer but shall not include:
 - A. any individual employed in agriculture;
 - B. any individual employed in domestic service in or about a private home;
 - C. any individual employed as an outside salesman on a commission basis;

D. any individual engaged in the activities of a public-supported non-profit organization or in a program controlled by an educational non-profit organization;

E. any individual employed on a scholarship basis by a summer camp for boys or girls under the age of 19 years;

F. any individual engaged in commercial fishing; or

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

III. "Occupation," an industry, trade or business or branch thereof or class of work therein in which workers are gainfully employed.

IV. "Wage Board," a Board created as provided in section 132-F.

Sec. 132-C. Prohibition of employment except as provided for. By reason of the declaration of policy set forth in section 132-A and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee at a rate of less than 75c per hour, provided that this limitation shall not apply to employees engaged in agriculture, domestic service, as outside salesmen on a commission basis, by public-supported non-profit organizations, by children's camps on a scholarship basis, in commercial fishing or as switch board operators in any public telephone exchange which has less than 750 stations.

Sec. 132-D. Administration. The Commissioner as State Factory Inspector, and any authorized agent of the Department, shall have full power and authority:

I. To investigate and ascertain the wages of employees in any industry or occupation in the State.

II. To enter the place of business or employment of any employer of employees in any such industry or business in the State for the purpose of examining and inspecting any and all books, registers, payrolls, and other records of any employer of employees that in any way appertain to or have a bearing upon the question of wages of any such employees and for the purpose of ascertaining whether the orders of the Commissioner have been and are being complied with; and

III. To require from such employer full and correct statements in writing of the wages paid to all employees employed by him in any such industry, business or occupation; and

IV. The Commissioner shall appoint a Wage Board:

A. to recommend and determine the amount of deductions for board, lodging, apparel or other items or services supplied by the employer or such other conditions or circumstances as may be usual in a particular employer-employee relationship including gratuities; provided, however, that in no case shall the total remuneration received by an employee, including wages, board, lodging, apparel or other items or services supplied by the employer or such other conditions or circumstances, including gratuities, equal less than the minimum wage rate set forth in section 132-C;

B. to recommend a suitable scale of rates for learners, apprentices and handicapped persons, which may be less than the regular minimum wage rate for experienced and non-handicapped workers; and

C. to formulate and adopt reasonable rules and regulations not inconsistent with the provisions of sections 132-A to 132-M, inclusive, for the proper administration and enforcement of the minimum wage rates established by or by virtue of sections 132-A to 132-M, inclusive.

Sec. 132-E. Wage Board; membership. A Wage Board shall be composed of not more than 3 representatives of the employers and 3 representatives of the employees in any industry or business in which the provisions of sections 132-A to 132-M, inclusive, are applicable, and of not more than 3 disinterested persons representing the public; one of the said 3 disinterested persons shall be designated as chairman. The Commissioner shall appoint the members of such Wage Board, with the approval of the Governor and Council. Three of the members shall be appointed for a term of one year; 3 shall be appointed for a term of 2 years; and 3 shall be appointed for a term of 3 years. Each member shall hold office until his successor is duly appointed and qualified. At the expiration of each member's term, his successor shall be appointed by the Commissioner, subject to the approval of the Governor and Council, from the same classification in accordance with the provisions of this section for a term of 3 years. In case of a vacancy in Board membership, the Commissioner, with the approval of the Governor and Council, shall appoint a member of the proper classification to serve the unexpired term of the absent member.

Two-thirds of the members of such Wage Board shall constitute a quorum and the determinations, recommendations or report of such Wage Board shall require a vote of not less than a majority of its members.

Members of the Wage Board shall be entitled to compensation at the rate of not exceeding \$10 per day for each day actually spent in the work of the Board. They shall be reimbursed for all necessary traveling expenses.

Sec. 132-F. Wage Boards; powers. Any member of a Wage Board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records and other evidence relative to any matters under investigation. Such subpoenas shall be signed and issued by a member of the Wage Board and shall be served in the same manner as if issued out of the Superior Court. A Wage Board shall have the power to cause depositions of witnesses residing within or without the State to be taken in the manner prescribed for like depositions in civil actions in the Superior Court.

Sec. 132-G. Wage Boards; Commissioner to assist. The Commissioner shall present to the Wage Board promptly upon its organization all the information in the possession of the Commissioner that in any way appertains to or has a bearing upon the questions in respect whereof the Wage Board was appointed.

Sec. 132-H. Wage Boards; report. After the appointment of the Wage Board, it shall hold a public hearing and submit, within 60 days after its appointment, a report of its findings, recommendations and determinations; provided, however, that the Wage Board shall not report or recommend a minimum

wage rate or rates less than the minimum wage rate set forth in section 132-C, except that they may recommend a suitable scale of rates for learners, apprentices and handicapped persons, which may be less than the regular minimum wage rate for experienced and non-handicapped workers. The Wage Board may recommend and determine the amount of deduction for board, lodging, apparel or other items or services supplied by the employer or such other conditions or circumstances as may be usual in a particular employer-employee relationship, including gratuities; provided, however, that in no case shall the total remuneration received by an employee, including wages, board, lodging, apparel or other items or services supplied by the employer or such other conditions or circumstances, including gratuities, equal less than the minimum wage rate set forth in section 132-C.

Sec. 132-I. Further proceedings.

I. The Wage Board shall submit its report, recommendations and determinations to the Commissioner who shall file in his office as a public record the report together with the regulations adopted by the Board. The Commissioner shall make a minimum wage order which shall include the regulations as adopted by the Wage Board, such order to be effective 60 days from the date of making thereof.

II. The Commissioner may from time to time propose to the Wage Board such modifications of or additions to any determinations or regulations included in any minimum wage order as he may deem appropriate to effectuate the purposes of sections 132-A to 132-M, inclusive, and the Wage Board shall reconvene to give consideration to such proposals. The report of such reconvened Wage Board shall be dealt with in the manner prescribed in subsection I of this section.

Sec. 132-J. Court proceedings. If at any time after a report of the Wage Board has been filed with the Commissioner, and has been served by him as provided in section 132-I, and any employer or employers affected thereby have failed to pay such minimum wage rates, the Commissioner shall thereupon take court action to enforce such minimum wage rates. The Commissioner shall file in the office of the clerk of the Superior Court for Kennebec County the record of hearing before the Wage Board, together with its report, findings and determinations as filed with the Commissioner, and his certificate of service on employers. A Justice of the Superior Court, unless application for stay of proceedings and for hearing shall have been filed in the office of said clerk of the Superior Court for Kennebec county and shall have been allowed by a Justice of the Superior Court or the Supreme Judicial Court, shall render, within 30 days after the filing of the papers with the said clerk of the Superior Court as aforesaid, his decision affirming or disaffirming the minimum wage rates stated in the report, findings and determinations of the Wage Board, but he shall not disaffirm such minimum wage rates unless he shall find from the record, or after hearing before the Court if such hearing be granted, that the same were fixed and determined by the Wage Board without any substantial evidence in justification thereof. Appeal may be had from the decision of the Superior Court only on questions of law.

Sec. 132-K. Employers' records. Every employer, subject to the provisions of sections 132-A to 132-M, inclusive, or of any regulation or order issued under the provisions of sections 132-A to 132-M, inclusive, shall keep true and accurate record of the hours worked by each employee and of the wages paid by him to them respectively, and shall furnish to the Commissioner, upon demand by him, a sworn statement of the same; such records shall be open to inspection by the Commissioner, his deputy or any authorized agent of the Department at any reasonable time. Every employer subject to the provisions of sections 132-A to 132-M, inclusive, or of any regulation or order issued under the provisions of said sections shall keep a copy of such posted in a conspicuous place in every room in which employees are employed in the said industry or business; employers shall be furnished by the Commissioner, copies of such orders and regulations without charge therefor.

Sec. 132-L. 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 served or is about to serve on the Wage Board or has testified or is about to testify before the Wage Board, or because such employer believes that said employee may serve on the Wage Board or may testify before the Wage Board or in any investigation or proceedings under the provisions of sections 132-A to 132-M, inclusive, shall be punished by a fine of not less than \$50 nor more than \$200, for each offense.

II. Any employer subject to any provisions of sections 132-A to 132-M, inclusive, or any regulations or orders issued under said sections, or any of his agents, or the officer or agent of any corporation, who pays, or permits to be paid, or agrees to pay, to any employee, engaged in any industry or occupation as set forth in section 132-D, less than the applicable rate to which such employee is entitled under or by virtue of sections 132-A to 132-M, inclusive, shall be punished by a fine of not less than \$50, nor more than \$100, or by imprisonment for not less than 10 days nor more than 90 days, or by both, and each day in any week on which any such employee is paid less than the rate applicable under the provisions of sections 132-A to 132-M, inclusive, or any regulation or order issued under said sections shall constitute a separate offense.

III. Any employer or any of his agents or the officer or agent of any corporation, who fails to keep the records required under the provisions of sections 132-A to 132-M, inclusive, or refuses to permit the Commissioner, his deputy or any authorized agent of the Department to enter his place of business, or who fails to furnish such records to the Commissioner upon demand, shall be punished by a fine of not less than \$25, nor more than \$100, and each day of such failure to keep the records, or failure to furnish same to the Commissioner upon demand, shall constitute a separate offense.

Sec. 132-M. Civil actions. If any employee employed or occupied in any industry or occupation as set forth in section 132-D, is paid by an employer less than the applicable wage rate to which such employee is entitled under or by virtue of the provisions of sections 132-A to 132-M, inclusive, such employee

shall recover, in a civil action, the full amount of such minimum 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, and any agreement between an employer and an employee to work for less than such wage rates shall be no defense to such action.'

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