

MAINE STATE LEGISLATURE

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

Legislative Document

No. 92

S. P. 59

In Senate, January 21, 1959.

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Ross of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Establishing a Minimum Wage.

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

R. S., c. 30, §§ 132-A-132-I, additional. Chapter 30 of the Revised Statutes is amended by adding 9 new sections to be numbered 132-A to 132-I, 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-I 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;
- II. “Employ” includes to suffer or permit to work:
- III. “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 who is regularly enrolled in an educational institution or on vacation therefrom, or part-time worker working no more than 15 hours per week for any one employer;

F. Any individual engaged in commercial fishing; or

G. Any individual employed as a switchboard operator in a public telephone exchange which has less than 750 stations.

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

V. "Wages" paid to any employee includes compensation paid to such employee in the form of legal tender of the United States, checks on banks convertible into cash on demand, and also includes the reasonable cost, which shall be consistent with the rules and regulations as set forth by the Employment Security Commission, to the employer of furnishing such employee with board, lodging or other facilities if such board, lodging or other facilities are customarily furnished by such employer to his employee and used by employees, provided that in the computation of such wages there shall be included tips, gratuities and commissions of every kind.

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 except as defined in section 132-B, subsection III at the rate of less than \$1 per hour.

Sec. 132-D. Handicapped workers. For any employment in which the minimum wage is applicable, the Commissioner of Labor and Industry may issue to any person physically defective by age, or otherwise, a special license authorizing the employment of such person for a period not to exceed one year at a wage less than the minimum wage established by sections 132-A to 132-I. The Commissioner of Labor and Industry may hold such hearings and conduct such investigations as he shall deem necessary for the purpose of fixing the special minimum wage for the licensee. Such license may be renewed from time to time by the commissioner.

Sec. 132-E. Apprentice. For any employment in which the minimum wage is applicable, the Commissioner of Labor and Industry may issue to an apprentice or learner a special license authorizing the employment of such apprentice or learner for the time and under the conditions which he determines and at a wage less than the minimum wage established by sections 132-A to 132-I. The Commissioner of Labor and Industry may hold such hearings and conduct such investigations as he shall deem necessary before fixing a special wage for such apprentice or learner.

Sec. 132-F. Posting of summary. Every employer subject to the provisions of sections 132-A to 132-I shall keep a summary of sections 132-A to 132-I, furnished by the Commissioner of Labor and Industry, without charge, posted in a conspicuous place, in or about the premises wherein any person subject to the provisions of sections 132-A to 132-I is employed, or in a place accessible to his employees.

Sec. 132-G. Enforcement. Whenever the Commissioner of Labor and Industry has information that any employer is violating the provisions of sections 132-A to 132-I, he shall notify such employer immediately by registered mail of such violation and order such employer to comply with the provisions of sections 132-A to 132-I. If such employer fails or refuses to comply with the provisions of sections 132-A to 132-I, the county attorney of the county where the violation occurs shall upon notification by the Commissioner of Labor and Industry or upon the sworn complaint of any other person institute criminal action against such employer.

Sec. 132-H. Penalties. Any employer who violates the provisions of sections 132-A to 132-I shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200.

Sec. 132-I. Employees' remedies. Any employer who continues in violation of any provision of section 132-C after having received notice from the Commissioner of Labor and Industry shall be liable to the employee or employees affected thereby for the amount of unpaid minimum wages. Upon a judgment being rendered in favor of any employee or employees, in any action brought to recover unpaid wages under sections 132-A to 132-I, such judgment shall include, in addition to the unpaid wages adjudged to be due, an additional amount equal to such wages as liquidated damages, and costs of suit including a reasonable attorney's fee.'