

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-ninth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-ninth Legislature

1959

(There is hereby appropriated from the General Fund the sum of \$1,500 for the fiscal year ending June 30, 1960 and \$1,725 for the fiscal year ending June 30, 1961 to carry out the purposes of this section.)

Sec. 13. R. S., c. 60, § 2, amended. The 5th sentence of section 2 of chapter 60 of the Revised Statutes, as amended by section 15 of chapter 473 of the public laws of 1955 and by section 18 of chapter 418 of the public laws of 1957, is further amended to read as follows:

'He (Insurance Commissioner) shall receive an annual salary of ~~\$9,000~~ \$10,000.'

(There is hereby appropriated from the General Fund the sum of \$867 for the fiscal year ending June 30, 1960 and \$1,000 for the fiscal year ending June 30, 1961 to carry out the purposes of this section.)

Sec. 14. Effective date. The provisions of this act shall become effective for the week ending August 22, 1959.

Effective September 12, 1959

Chapter 362

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-J, additional. Chapter 30 of the Revised Statutes is amended by adding 10 new sections to be numbered 132-A to 132-J, 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-J 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, not to include commercial greenhouse employees;
 - B. Any individual employed in domestic service in or about a private home;

C. Any individual employed as a waiter, waitress or service employee who receives the major portion of his remuneration in the form of gratuities;

D. Any individual engaged in the activities of a public-supported non-profit organization or in a program controlled by an educational nonprofit organization or employed in a private nursing home; or employed in a private hospital;

E. Those employees of summer camps for boys or girls under the age of 19 who are counselors, or junior counselors; or employees of any business who are regularly enrolled in an educational institution, or are on vacation therefrom;

F. Any individual engaged in commercial fishing;

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

H. Any home worker who is not subject to any supervision or control by any person whomsoever, and who buys raw material and makes and completes any article and sells the same to any person, even though it is made according to specifications and the requirements of some single purchaser; or

I. Any individual employed in a business or service establishment which has 3 or less employees at any one location;

IV. "Occupation," an industry, trade or business or branch thereof or class of work therein in 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 as 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 handicapped by age, or otherwise, a special certificate 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-J. 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 occupation within the scope of sections 132-A to 132-J, the commissioner may cause to be issued to an employer of any learner, or of an employee under an approved apprentice training program, a special certificate authorizing employment at such wages, less than the minimum wage established by sections 132-A to 132-J, and for such period of time as shall be fixed by the commissioner and stated in the certificate. The commissioner 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 sections 132-A to 132-J shall keep a summary of sections 132-A to 132-J, 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 sections 132-A to 132-J 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 sections 132-A to 132-J, he shall notify such employer immediately by registered mail of such violation and order such employer to comply with sections 132-A to 132-J. If such employer fails or refuses to comply with sections 132-A to 132-J, 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. **Duties and powers of commissioner.**

I. The commissioner or his authorized representative, upon written complaint setting forth the violation of section 132-C, shall have authority to enter the place of business or employment of any employer or employees in the State, as defined in section 132-B, for the purpose of examining and inspecting any or all books, registers, payrolls and other records of any such employer that in any way relate to or have a bearing upon the question of wages, hours and other conditions of employment of any such employees; copy any or all of such books, registers, payrolls and other records as he or his authorized representative may deem necessary or appropriate; and question such employees in the presence of the employer or his authorized agent for the purpose of ascertaining whether sections 132-A to 132-J have been and are being complied with. Any and all information so received shall be considered as confidential and shall not be divulged to any other person or agency except insofar as may be necessary for the enforcement of sections 132-A to 132-J.

II. The commissioner may make and promulgate from time to time such rules and regulations, not inconsistent with sections 132-A to 132-J, as he may deem appropriate or necessary for the proper administration and enforcement of sections 132-A to 132-J. Such rules and regulations affecting any particular class of employees and employers shall be made and promulgated only after a duly held public hearing with notice and opportunity to be heard to those employees and employers affected.

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

Sec. 132-J. **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 em-

ployees 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-J, 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.'

Effective September 12, 1959

Chapter 363

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Sec. 1. R. S., c. 1, §§ 24-B - 24-C, additional. Chapter 1 of the Revised Statutes is amended by adding thereto 2 new sections to be numbered 24-B and 24-C, as follows:

'State Seal, Motto, Flag and Other Emblems.

Sec. 24-B. State seal. The seal of the State shall be a shield, argent, charged with a pine tree (*Americana, quinis ex uno folliculo setis*) with a moose deer (*cervus alces*), at the foot of it, recumbent; supporters: on dexter side, a husbandman, resting on a scythe; on sinister side, a seaman, resting on an anchor.

In the foreground, representing sea and land, and under the shield, shall be the name of the State in large Roman capitals, to wit:

MAINE.

The whole shall be surrounded by a crest, the North Star. The motto, in small Roman capitals, shall be in a label interposed between the shield and crest, viz:—*DIRIGO*. (Resolves, 1820, c. 4.)

Sec. 24-C. State motto. The state motto shall be "Dirigo" (I direct or I guide). (Resolves, 1820, c. 4.)'

Sec. 2. R. S., c. 1, §§ 26-A - 26-D, additional. Chapter 1 of the Revised Statutes is amended by adding thereto 4 new sections, to be numbered 26-A to 26-D, as follows:

'Sec. 26-A. State tree. The official tree of the State shall be the white pine tree. (Resolves, 1945, c. 8.)

Sec. 26-B. State bird. The state bird shall be the chickadee. (Resolves, 1927, c. 111.)

Sec. 26-C. State song. The official song of the State shall be the song entitled "State of Maine Song," words and music by Roger Vinton Snow. (Resolves, 1937, c. 39.)