

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Second Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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‘§ 110. Witness and attorney’s fees allowable

When the commission or commissioner finds that an employee has instituted proceedings under this chapter on reasonable grounds and in good faith, the said commission or commissioner may assess the employer costs of witness fees and a reasonable attorney’s fee, when in the commission’s or commissioner’s judgment the said witnesses and the services of the said attorney were necessary to the proper and expeditious disposition of the case.’

Sec. 12. **Effective date.** This Act shall become effective on November 30, 1965.

Effective November 30, 1965

Chapter 409

AN ACT Relating to Time of Payments of Benefits Under Employment Security Law.

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

R. S., T. 26, § 1192, sub-§ 4, amended. The first paragraph of subsection 4 of section 1192 of Title 26 of the Revised Statutes is amended to read as follows:

‘He has served a waiting period of one week of total or partial unemployment. This requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment, and the week immediately preceding a benefit year, if part of an uninterrupted period of unemployment which continued into such benefit year, shall be deemed, for the purpose of this subsection only, to be within such benefit year as well as within the preceding benefit year.’

When benefits become payable with respect to the 4th consecutive week next following the waiting period, he shall be eligible to receive benefits as appropriate with respect to the waiting period. Except as provided in this subsection, no week shall be counted as a week of total or partial unemployment for the purpose of this subsection.’

Effective September 3, 1965

Chapter 410

AN ACT Revising the Minimum Wage Law.

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

Sec. 1. R. S., T. 26, § 662, amended. Section 662 of Title 26 of the Revised Statutes is amended to read as follows:

‘§ 662. Coverage

Employers employing 4 employees or more in any day of the week are subject to this subchapter for that week; and in the count of employees there

shall be included ~~waiters, waitresses, doormen, bellhops and chambermaids; students; and members of the family of the employer~~ all employees, including those otherwise exempt under section 663, subsection 3.'

Sec. 2. R. S., T. 26, § 663, sub-§ 3, ¶¶ E, G, amended. Paragraphs E and G of subsection 3 of section 663 of Title 26 of the Revised Statutes are amended to read as follows:

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

G. Any individual employed in the catching, taking, **propagating**, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life, **or in the first processing, canning or packing such marine products at sea as incident to, or in conjunction with, such fishing operations,** including the going to and returning from work and including employment in the loading and unloading when performed by any such employee ~~or packing of such products for shipment or in propagating, processing (other than canning), marketing, freezing, curing, storing or distributing the above products or by-products thereof; or any individual employed as a smoked fish worker;~~

Sec. 2-A. R. S., T. 26, § 663, sub-§ 3, ¶ F-I, additional. Subsection 3 of section 663 of Title 26 of the Revised Statutes is amended by adding a new paragraph F-I, to read as follows:

'F-I. Any individuals who do not replace regular employees of any business and who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom;'

Sec. 3. R. S., T. 26, § 663, sub-§ 3, ¶ F, repealed and replaced. Paragraph F of subsection 3 of section 663 of Title 26 of the Revised Statutes is repealed and the following enacted in place thereof:

'F. Those employees who are counsellors or junior counsellors at summer camps for boys and girls; and employees of said summer camps, other than counsellors or junior counsellors, who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom;'

Sec. 4. R. S., T. 26, § 663, sub-§ 5, amended. Subsection 5 of section 663 of Title 26 of the Revised Statutes is amended to read as follows:

'5. Wages. "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 includes the reasonable cost to the employer who furnishes such employee board ~~or lodging or other services and benefits;~~

Sec. 5. R. S., T. 26, § 664, amended. Section 664 of Title 26 of the Revised Statutes is amended to read as follows:

'§ 664. Compliance required

By reason of the declaration of policy set forth in section 661 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 otherwise provided in this subchapter at the rate of less than ~~the~~ \$1.15 per hour for one year starting October 15, 1965 and thereafter \$1.25 per hour; nor work more than 48 hours in any one week, unless 1½ times the regular hourly rate is paid for all work done over 48 hours in any one week. Except that on October 15, 1965 to October 15, 1966, those employees in a nursing home or employees in a hospital shall be paid at a rate of no less than \$1 per hour. From October 15, 1966 to October 15, 1967 they shall be paid at a rate of no less than \$1.15 per hour and thereafter at a rate no less than \$1.25 per hour. The overtime provision of this section shall not apply to the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, of agricultural produce, and meat and fish products, nor to the canning of perishable goods, nor to nursing homes and hospitals.'

Sec. 6. R. S., T. 26, § 665, sub-§ 1, amended. The first sentence of subsection 1 of section 665 of Title 26 of the Revised Statutes is amended to read as follows:

'Every employer subject to this subchapter shall keep a true and accurate record of the hours worked by each employee and of the wages paid; ~~and the, such records to be preserved by the employer for a period of at least 3 years; and shall furnish to each employee with each payment of wages a statement which shall clearly show the hours, total earnings and itemized deductions. The commissioner or his authorized representative may, and upon written complaint setting forth the violation of section 664 shall have authority to enter the place of business or employment of any employer or employees in the State, as defined in section 663, for the purpose of examining and inspecting such records; and copy any or all of such records as he or his authorized representative may deem necessary or appropriate.'~~

Sec. 7. R. S., T. 26, § 669, repealed. Section 669 of Title 26 of the Revised Statutes is repealed as follows:

'§ 669. Enforcement

~~Whenever the commissioner has information that any employer is violating this subchapter, he shall notify such employer immediately by registered mail of such violation and order such employer to comply with this subchapter. If such employer fails or refuses to comply with this subchapter, the county attorney of the county where the violation occurs shall, upon notification by the commissioner or upon the sworn complaint of any other person, institute criminal action against such employer.'~~

Sec. 8. R. S., T. 26, § 670, amended. The first sentence of section 670 of Title 26 of the Revised Statutes is amended to read as follows:

'Any employer ~~who continues in violation of any provision of section 664 after having received notice from the commissioner~~ shall be liable to the employee or employees affected ~~thereby~~ for the amount of unpaid minimum wages.'

Sec. 9. R. S., T. 26, § 671, amended. Section 671 of Title 26 of the Revised Statutes is amended by adding at the end a new paragraph to read as follows:

'In the event of the violation of any of the provisions of this subchapter, the Attorney General may institute injunction proceedings in the Superior Court to enjoin further violation thereof.'

Sec. 10. Appropriation. There is appropriated from the General Fund to the Department of Labor and Industry the sum of \$7,754 for the fiscal year ending June 30, 1966 and the sum of \$9,212 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act. The breakdown shall be as follows:

Department	1965-66	1966-67
LABOR AND INDUSTRY		
Personal Services	(1½) \$4,772	(1½) \$5,967
All Other	2,745	3,245
Capital Expenditures	237	—
	<u>\$7,754</u>	<u>\$9,212</u>

Effective September 3, 1965

Chapter 411

AN ACT Revising Certain Laws Under the Workmen's Compensation Law.

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

Sec. 1. R. S., T. 39, § 4, amended. Section 4 of Title 39 of the Revised Statutes is amended to read as follows:

§ 4. Applicability to certain actions and employers; exemptions

Section 3 shall not apply to employers who employ 5 or less workmen or operatives regularly in the same business. Said section shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries, sustained by employees engaged in domestic service or in agriculture by seasonal or casual farm laborers. "Casual" is defined as occasional, irregular or incidental. "Seasonal" shall refer to employment beginning with the planting season and terminating at the completion of the harvest season. Section 3 shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries, sustained by employees of an employer who has become subject to this Act by securing the payment of compensation in conformity with sections 21 to 27. Such assenting employers, except as provided by section 28, shall be exempt from civil actions because of such injuries either at common law or under sections 141 to 148 or under Title 18, sections 2551 to 2553. This section shall not apply to farm laborers when the employer carries employees liability insurance coverages.'