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Minimum Wage, Nov. 2002

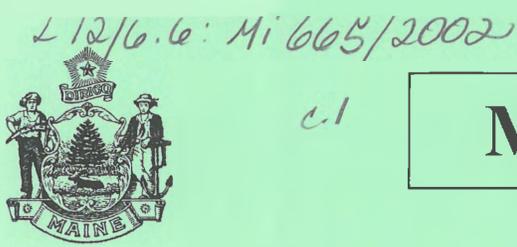
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Minimum Wage

Every employer shall keep a summary of the Maine State laws Title 26, Chapter 27, and shall post the summary in a visible place where every employee can see it. This poster qualifies as the summary and may be reproduced.

**As of 1-1-02 the Minimum Wage is \$5.75 per hour.
On 1-1-03 the Minimum Wage will increase to \$6.25 per hour.**

Service Employees

A service employee is someone who regularly receives more than \$20 a month in tips. The employer must pay a cash wage of at least one-half of the regular minimum wage. As of 1-1-02 the cash wage is \$2.88 per hour; effective 1-1-03 the cash wage will be \$3.13 per hour. **If the employee's total cash wage combined with the total tips for the week do not average at least the minimum hourly wage, the employer must pay the employee the difference in wages.**

Exempt From Minimum Wage and Overtime**

- Individuals employed in agriculture, except when employed for or on a farm with over 300,000 laying birds
- Employees in domestic service in or about private homes, if employed by the home owner
- Employees whose earnings are from sales commissions and whose hours and place of employment are not controlled by the employer
- Taxicab drivers
- Public-supported nonprofit organization or educational nonprofit organization employees
- Counselors and junior counselors in summer camps for children
- Employees of children's summer camps who are students under the age of 19 if the camp is under the provisions of Title 13 Part 2 which includes certain civic, social, charitable and fraternal orders
- People who catch fish or work in farming of marine life
- Switchboard operators in public telephone exchanges with less than 750 stations
- Home workers not supervised or controlled and who buy raw materials and complete articles for sale
- Dependent members of the employer's family
- Executive, administrative or professional employees with a salary of at least \$331.74 weekly - (\$360.58 weekly - starting 1-1-03)

Exempt From Overtime Only**

- Processing of sardines or other perishable food products
- Hotels, motels, restaurants and other eating establishments
- Public employees, including fire and police departments
- Automobile salespeople, mechanics and parts clerks who are paid primarily on a commission or flat-rate basis
- Drivers and driver's helpers who are exempt from overtime under Federal law:
 - Are exempt from overtime under Maine law until 8-31-03.
 - Are exempt from overtime under Maine law starting 9-1-03, if they are paid in a manner that is reasonably equivalent to 1 ½ times the regular hourly rate for all hours actually worked in excess of 40 hours in a week under rules established by the Bureau.
 - Are exempt from overtime under Maine law if they are covered by a collective bargaining agreement that regulates their rate of pay.
 - Are exempt from overtime under Maine law if they are employed by an entity that has a contract with the Federal Government or an agency of the Federal Government that dictates the minimum hourly rate they will be paid.

****Please note that some of these may not be exempt under Federal law. For information on federal minimum wage and overtime law, contact the U.S. Department of Labor at (207) 780-3344.**

Equal Pay

Employees shall be paid the same wages as employees of the opposite sex for work that is of a comparable nature in skill, effort and responsibility. This does not include differentials which are paid pursuant to seniority or merit increase systems or difference in the shift or time of day worked which do not discriminate based on sex.

Board and Lodging

Wages may include reasonable costs to the employer furnishing food and lodging. Food and lodging must actually be used by the employee, clearly shown on the employee statement and wage records, and approved by the Bureau of Labor Standards.

Statements To Employees

Every employer shall give to each employee with the payment of wages a statement clearly showing the date of the pay period, hours worked, total earnings and itemized deductions.

Records

Employers shall keep, for three years, accurate records of hours worked and wages paid to all employees.

Powers and Duties of Director

The Director of the Bureau of Labor Standards and authorized representatives have authority to enter any place of business or employment for the purpose of examining and inspecting records of hours and wages, and to copy any or all of the records deemed necessary or appropriate.

Unfair Contracts

An employer cannot make a special contract or agreement with an employee to exempt that employee from minimum wage or overtime.

Penalties

Violating these laws may result in fines from \$50 to \$200. The Attorney General may also institute other proceedings.

Caution: This is a summary of the laws. It gives brief information. Contact the Bureau of Labor Standards for a copy of the law itself or formal interpretations. Bureau staff is available to answer questions.

Nothing in the Maine law exempts an employer from the Federal Fair Labor Standards Act. For Federal Information, contact Wage & Hour Division, U. S. Department of Labor, P.O. Box 554, Portland, Maine 04112. Tel: (207) 780-3344