

# Minimum Wage



Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.

This poster describes some important parts of the laws. A copy of the actual laws or formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards, by calling (207) 623-7900. (The laws are also on the Bureau's web site.)



**Maine Law (Title 26 M.R.S.A. § 668) requires every employer to place this poster in the workplace where workers can easily see it.**

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## October 1, 2009 — Minimum Wage is \$7.50 per hour

### Service Employees

A service employee is someone who regularly receives more than \$30 a month in tips. The employer must pay a cash wage of at least one-half of the regular minimum wage. 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. Tips belong to the employee providing direct service to the customer. Employees may be required to pool their tips to be divided evenly among service employees only.

### 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 whose earnings are from sales commissions and whose hours and place of employment are not controlled by the employer.
- ◆ Taxicab drivers.
- ◆ Employees who are counselors, junior counselors or counselors-in-training at camps licensed under Title 22, Sec. 2495 and employees under 18, who are employed at organized camps and similar seasonal recreation programs not requiring such license if they are operated by a non profit organization.
- ◆ 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 \$455.00 weekly.

### Exempt From Overtime Only\*

- ◆ Processing of sardines or other perishable food products.
- ◆ Public employees, including fire and police departments.
- ◆ Automobile salespeople, mechanics, service writers, and parts clerks who are paid 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 if they are paid by other than an hourly rate of pay and subject to the provision of 49 United States Code, Section 31502.
  - 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.

### 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 seniority, merit or shift differentials which do not discriminate based on sex.

Employers may not discriminate against an employee for inquiring about, disclosing, comparing or otherwise discussing the employee's wages with others.

### 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.

### Unfair Contracts

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

*\*Note: Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716.*

### For more information, contact:

Maine Department of Labor  
Bureau of Labor Standards  
45 State House Station  
Augusta, Maine 04333-0045  
**Telephone: 207-623-7900**  
TTY users call Maine Relay 711.  
Web site: [www.maine.gov/labor/bls](http://www.maine.gov/labor/bls)  
Email: [mdol@maine.gov](mailto:mdol@maine.gov)