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An Act To Clarify the Minimum Wage Law as It Relates to People with Disabilities

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

Sec. 1. 26 MRSA §666, as amended by PL 1971, c. 620, §13, is further amended to read:

§ 666. Workers with disabilities

For any employment ~~into~~ which the minimum wage is applicable, the director may issue to an employer for any person physically handicapped by age, or otherwise, with a disability 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 this subchapter ~~employer to pay that person a wage less than the minimum wage, based on the ability of the person to perform the duties required for that employment in comparison to the ability of a person who does not have a disability to perform the same duties.~~ The director 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~~ person. ~~Such license~~ A certificate is valid for 2 years from the date of issue and may be renewed from time to time by the director. The director may issue a certificate to cover several employees with disabilities as long as the employer provides documentation justifying the special minimum wage.

SUMMARY

This bill updates current law to parallel requirements relating to the federal minimum wage outlined in Section 14(c) of the federal Fair Labor Standards Act of 1938. The revision permits the issuance of a certificate to an employer for the hiring of one or more persons with disabilities at a rate commensurate with the ability of those persons to perform the duties required in comparison to the ability of a person who does not have a disability. It extends the length of time a certificate is valid from one year to 2 years. As in current law, a certificate may be renewed.