

TESTIMONY OF MAINE EMPLOYMENT LAWYERS ASSOCIATION
IN SUPPORT OF LD 1279, AN ACT TO INCREASE THE MINIMUM WAGE, AND
IN OPPOSITION TO LD's 455, 543, 774, AND 1047,
ACTS TO GIVE THE STATE THE SOLE AUTHORITY TO ESTABLISH A
MINIMUM WAGE AND HAZARD PAY WITH CERTAIN EXCEPTIONS, TO
PROVIDE THAT THE MINIMUM WAGE INCREASES BY THE COST OF LIVING
EVERY 3 YEARS, TO PROMOTE MINIMUM WAGE CONSISTENCY, AND TO
CREATE AN ALTERNATIVE MINIMUM WAGE

My name is Jeffrey Neil Young. I am an attorney with Solidarity Law and practice in Cumberland. I serve as an Executive Board member of the National Employment Lawyers Association (NELA), and vice-president of the Maine Employment Lawyers Association (MELA). NELA is the largest organization of civil rights lawyers in the country with about 4,000 national and affiliate attorney members. MELA is the largest organization of civil rights lawyers in Maine with about 75 member attorneys who represent employees in labor and employment matters across the state as at least 66.66% of their practice.

MELA supports the enactment of LD 1279, An Act to Increase the Minimum Wage, and opposes LD's 455, 543, 774, and 1074, all of which would reduce current minimum wage protections for employees and/or restrict the ability of localities to provide for enhanced wages to employees beyond the state minimum.

The Maine minimum wage currently is \$12.15 and is scheduled to increase by the cost of living every January 1 thereafter. 26 M.R.S.A. § 664(1). LD 1279 would raise the minimum wage to \$13/hour on January 1, 2022 and then by \$1/hour each of the next 3 years such that the minimum wage would be \$16/hour on January 1, 2025. Thereafter, under LD 1279, the minimum wage would increase by the cost of living each January 1. By way of contrast, LD 543 would slow the increase in the minimum wage, postponing the next cost of living adjustments until January 1, 2024 and thereafter triennially.

MELA believes that increasing the minimum wage gradually to \$16/hour over the next 4 years and then by the cost of living is warranted. Gradual increases in the minimum wage have not resulted in detectable job losses. Paul J. Wolfson and Dale Belman, "[15 Years of Research on U.S. Employment and the Minimum Wage](#)," Tuck School of Business Working Paper no. 2705499, 2016. On a national level, the Congressional Budget Office has estimated that increasing the minimum wage to \$15/hour would enable 1.3 million workers to escape poverty. Notably, an increase in the minimum wage also would reduce the amount spent on social safety programs like food stamps (SNAP) while helping low-income workers who disproportionately are people of color.

According to the Economic Policy Institute, increasing the minimum wage to \$15/hour by 2025 would result in a raise for nearly 1/3 of black workers and over ¼ of Latinx workers. <https://www.epi.org/publication/why-america-needs-a-15-minimum-wage/>

- More than half (51%) of workers who would benefit are adults between the ages of 25 and 54; only one in 10 is a teenager.
- Nearly six in 10 (59%) are women.
- More than half (54%) work full time.
- More than four in 10 (43%) have some college experience.
- More than a quarter (28%) have children.

Id. States representing almost 40% of the national workforce have approved raising their minimum wage to \$15, including our New England sister states of Massachusetts and Connecticut as well as New York, New Jersey, Maryland, Virginia, the District of Columbia, Florida, Illinois, and California. <https://www.epi.org/minimum-wage-tracker/> .

Raising the minimum wage over time would benefit essential workers. Over 60% of those who would benefit from a \$15 minimum wage are essential and front line workers, including nursing assistants, home health aides, and substitute teachers. <https://www.epi.org/publication/why-america-needs-a-15-minimum-wage/> Grocery workers have been on the front line throughout the pandemic; an increase to \$15/hour would benefit 42% of them, as well as 43% of janitors, housekeepers, and cleaners. *Id.*

Nor is there any basis to pay students under age 20 and teenage workers under age 18 a subminimum wage, as LD 1047 proposes. Teenage workers provide essential support for low-income families. About 70% of college students work an average of 30 hours to help pay tuition and fees. Anthony P. Carnevale, Nicole Smith, Michelle Melton, and Eric W. Price, *Learning While Earning: The New Normal*, Georgetown University, Center on Education and the Workforce, 2015, <https://cew.georgetown.edu/wp-content/uploads/Working-Learners-Report.pdf>. Exempting them from minimum wage increases means they will work longer hours and potentially drop out of school. Teen pregnancy rates—always a concern—have been shown to decrease with higher minimum wages. Lindsey Rose Bullinger, “The Effect of Minimum Wages on Adolescent Fertility: A Nationwide Analysis,” *American Journal of Public Health*, March 2017. And, paying teenage and student workers less could have the deleterious effect of displacing older workers.

Finally, the Committee should reject LD's 455 and 774, which would preclude localities from providing increased worker protections, including hazard pay and higher minimum wages. 30-A MRSA § 3001 delegates to "any municipality" the authority to "exercise any function which the Legislature has power to confer upon it, which is not denied either expressly or by clear implication." Setting a higher minimum wage in Portland during emergencies furthers the purpose of the state-wide minimum wage statute, which is 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." 26 M.R.S. § 661. It clearly is more expensive to live in Portland than other parts of the State. See Portland City Code, § 33-1 (citing as purpose for enacting a minimum wage that "the cost of living in Portland has increased making life here cost, as a percentage of income, as much as is paid by residents of Chicago, Illinois, Sacramento, California, and other major United States cities where the minimum wage is much higher" and that "rising housing costs, including an increase in the median home price from \$125,200 in 2000 to \$238,400 in 2012, are pushing low wage workers out of the City"). In 2018, in order to afford an apartment in Portland at the average fair market rent, a household working 40 hours a week would have to make at least \$25.92 an hour, compared to \$18.73 an hour for the state as a whole. See National Low Income Housing Coalition, "Out of Reach: The High Cost of Housing" (2018), at 111, https://nlihc.org/sites/default/files/oor/OOR_2018.pdf.

Although our state motto is "Dirigo," Maine is not leading the way but rather is falling behind our neighboring states. If we are to compete for tomorrow's workers, it is imperative that Maine pay a competitive wage. LDs 455 and 774 seem to arise out of mistrust that the citizens of Portland and Bangor—and for that matter other municipalities like Rockland, which also has adopted a \$15/hour minimum wage—are incapable of deciding what makes the most sense for themselves; rather, such decisions should be left to big brother in Augusta. Since when did legislators become so afraid of the people?