



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 778

H.P. 558

House of Representatives, March 2, 2017

An Act To Eliminate the Indexing of the Minimum Wage to Inflation

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HARVELL of Farmington.
Cosponsored by Senator DOW of Lincoln and
Representatives: BRADSTREET of Vassalboro, GINZLER of Bridgton, HARRINGTON of
Sanford, HILLIARD of Belgrade, O'CONNOR of Berwick, PARRY of Arundel, PIERCE of
Dresden, SANDERSON of Chelsea.

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

2 **Sec. 1. 26 MRSA §664, sub-§1**, as amended by IB 2015, c. 2, §1, is further
3 amended to read:

4 **1. Minimum wage.** The minimum hourly wage is \$7.50 per hour. Starting January
5 1, 2017, the minimum hourly wage is \$9.00 per hour; starting January 1, 2018, the
6 minimum hourly wage is \$10.00 per hour; starting January 1, 2019, the minimum hourly
7 wage is \$11.00 per hour; and starting January 1, 2020, the minimum hourly wage is
8 \$12.00 per hour. ~~On January 1, 2021 and each January 1st thereafter, the minimum
9 hourly wage then in effect must be increased by the increase, if any, in the cost of living.
10 The increase in the cost of living must be measured by the percentage increase, if any, as
11 of August of the previous year over the level as of August of the year preceding that year
12 in the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W, for
13 the Northeast Region, or its successor index, as published by the United States
14 Department of Labor, Bureau of Labor Statistics or its successor agency, with the amount
15 of the minimum wage increase rounded to the nearest multiple of 5¢. If the highest
16 federal minimum wage is increased in excess of the minimum wage in effect under this
17 section, the minimum wage under this section is increased to the same amount, effective
18 on the same date as the increase in the federal minimum wage, and must be increased in
19 accordance with this section thereafter.~~

20 **Sec. 2. 26 MRSA §664, sub-§2**, as amended by IB 2015, c. 2, §2, is further
21 amended to read:

22 **2. Tip credit.** An employer may consider tips as part of the wages of a service
23 employee, but such a tip credit may not exceed 50% of the minimum hourly wage
24 established in this section. Starting January 1, 2017, the minimum cash wage paid
25 directly to a tipped service employee may not be less than \$5.00 per hour, and the tip
26 credit may not exceed the difference between the minimum cash wage paid directly to a
27 tipped service employee and the minimum hourly wage established under subsection 1.
28 Starting January 1, 2018, and on each January 1st thereafter, the minimum cash wage
29 paid directly to a tipped service employee must be increased by an additional \$1.00 per
30 hour until it reaches the same amount as the ~~annually adjusted~~ minimum hourly wage
31 established under subsection 1, ~~except that if the minimum cash wage paid directly to a
32 tipped service employee is less than \$1.00 less than the annually adjusted minimum
33 hourly wage, it must be increased by that lesser amount.~~ An employer who elects to use
34 the tip credit, until it is eliminated under this subsection, must inform the affected
35 employee in advance and must be able to show that the employee receives at least the
36 minimum hourly wage when direct wages and the tip credit are combined. Upon a
37 satisfactory showing by the employee or the employee's representative that the actual tips
38 received were less than the tip credit, the employer shall increase the direct wages by the
39 difference.

40 The tips received by a service employee become the property of the employee and may
41 not be shared with the employer. Tips that are automatically included in the customer's
42 bill or that are charged to a credit card must be treated like tips given to the service
43 employee. A tip that is charged to a credit card must be paid by the employer to the

1 employee by the next regular payday and may not be held while the employer is awaiting
2 reimbursement from a credit card company.

3 **SUMMARY**

4 This bill eliminates the indexing of the minimum wage to inflation, which under
5 current law is scheduled to begin on January 1, 2021.