

Sponsor: Sen. Katz

Drafter: HDF

LR (item): 1051(01)

Date: 2/12/2015

File Name: G:\COMMITTEES\LCED\LABOR\Bill Drafts\127th 1st\105101.docx

Title: An Act To Phase Out the Payment of Subminimum Wage to Individuals with Disabilities

Be it enacted by the People of Maine as follows:

Sec. 1. 26 MRSA §666 is repealed.

Sec. 2. 26 MRSA §673 is enacted to read:

§673. Special wage certificates for individuals with disabilities

1. Special certificates. Until November 1, 2018, the director may issue special certificates authorizing an employer to pay an individual with a physical or mental disability a wage less than the minimum wage based on the individual's ability to perform the duties required for that employment in comparison to the ability of a person who does not have a physical or mental disability to perform the same duties. The director may hold hearings and conduct investigations as necessary for the purpose of determining the special minimum wage for the person. A certificate is valid for 2 years from the date of issue and may be renewed by the director. The director may issue a certificate to cover several employees with disabilities, although these employees must currently be working under a certificate at the time this law passes and as long as the employer provides documentation justifying the special minimum wage.

2. Vocational rehabilitation required. All individuals with disabilities currently being paid less than Maine's minimum wage shall be offered ongoing vocational rehabilitation services, including career planning assistance, and information and referral regarding resources offering competitive employment services and supports.

3. Exceptions. If on November 1, 2018 an individual has participated in vocational rehabilitation services pursuant to subsection 2 but has not transitioned to employment at a rate at or above the minimum rate required by section 664, an exception may be granted allowing the continued payment of less than the minimum wage by an employer with a certificate issued pursuant to this section. The Department of Labor and the Department of Health and Human Services shall jointly establish a process to allow exceptions to this rule on an individual basis. A decision regarding an exception would be subject to the grievance process established in Title 34-B, section 5604.