HOUSE DOCKET, NO. 1891 FILED ON: 1/17/2013

HOUSE . . . . . No. 1701

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to improve the Commonwealth's economy with a strong minimum wage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Antonio F. D. Cabral	*13th Bristol*
James B. Eldridge	*Middlesex and Worcester*
Elizabeth A. Malia	*11th Suffolk*
Kevin G. Honan	*17th Suffolk*
Kay Khan	*11th Middlesex*
Frank I. Smizik	*15th Norfolk*
Martha M. Walz	*8th Suffolk*
Alan Silvia	*7th Bristol*
Peter V. Kocot	*1st Hampshire*
Ruth B. Balser	*12th Middlesex*
Denise Provost	*27th Middlesex*
Carlos Henriquez	*5th Suffolk*
William Smitty Pignatelli	*4th Berkshire*
Cleon H. Turner	*1st Barnstable*
Tricia Farley-Bouvier	*3rd Berkshire*
Denise Andrews	*2nd Franklin*
Carl M. Sciortino, Jr.	*34th Middlesex*
Mary S. Keefe	*15th Worcester*

Cory Atkins	*14th Middlesex*
Christine E. Canavan	*10th Plymouth*
Michael D. Brady	*9th Plymouth*
John J. Lawn, Jr.	*10th Middlesex*
Josh S. Cutler	*6th Plymouth*
Jason M. Lewis	*31st Middlesex*
Tom Sannicandro	*7th Middlesex*
Thomas M. Stanley	*9th Middlesex*
James M. Cantwell	*4th Plymouth*
Chris Walsh	*6th Middlesex*
Gailanne M. Cariddi	*1st Berkshire*
Cheryl A. Coakley-Rivera	*10th Hampden*
Marcos A. Devers	*16th Essex*
Benjamin Swan	*11th Hampden*
Jonathan D. Zlotnik	*2nd Worcester*
Ellen Story	*3rd Hampshire*
Sean Garballey	*23rd Middlesex*
Brian R. Mannal	*2nd Barnstable*
Gloria L. Fox	*7th Suffolk*
Frank A. Moran	*17th Essex*
Thomas P. Conroy	*13th Middlesex*
David B. Sullivan	*6th Bristol*
Aaron Vega	*5th Hampden*
Thomas A. Golden, Jr.	*16th Middlesex*
Kenneth I. Gordon	*21st Middlesex*
John P. Fresolo	*16th Worcester*
Paul W. Mark	*2nd Berkshire*
Nick Collins	*4th Suffolk*
Denise C. Garlick	*13th Norfolk*
Rhonda Nyman	*5th Plymouth*

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HOUSE . . . . . No. 1701

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 1701) of Antonio F. D. Cabral and others for legislation to increase the minimum wage. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2291* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act to improve the Commonwealth's economy with a strong minimum wage.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 151 of the general laws, as appearing in the 2010 official edition, is hereby amended by striking out, in line 5, the figure “$8.00” and inserting in place thereof the following figure: - $9.00.

SECTION 2. Said section 1 of said chapter 151 is hereby further amended by striking out the figure “$9.00”, inserted by section 1, and inserting in place thereof the following figure:- $10.00.

SECTION 3. Said section 1 of said chapter 151 is hereby further amended by striking out the figure “$10.00”, inserted by section 2, and inserting in place thereof the following figure:- $11.00.

SECTION 4. Said section 1 of said chapter 151 is hereby amended by inserting, in line 10, after the word “nine”, the following words:-

16 Beginning in 2016, and in each year thereafter, the minimum wage shall be adjusted
17 based upon the twelve-month percentage increase, if any, in the Consumer Price Index for all
18 Urban Consumers (or a successor index, if any) as published by the Bureau of Labor Statistics of
19 the United States Department of Labor, based on the most recent twelve-month period for which
20 data is available at the time that the adjustment is made, and rounded up to the nearest five cents.
21 The adjusted minimum wage shall be calculated and announced by April 1 of each year, and
22 shall become effective as the new minimum wage on July 1 of each year.

23 SECTION 5. Said section 1 of said chapter 151 is hereby further amended by striking
24 out, in line 12, the figure "$.10" and inserting in place thereof the following figure:- $1.50.

25 SECTION 6. Said chapter 151, as so appearing, is hereby further amended by striking
26 out section 1A, as appearing in the 2010 Official Edition, and inserting in place thereof the
27 following section:-.

28 Except as otherwise provided in this section, no employer in the commonwealth shall
29 employ any of his employees in an occupation, as defined in section two, for a work week longer
30 than forty hours, unless such employee receives compensation for his employment in excess of
31 forty hours at a rate not less than one and one half times the regular rate at which he is employed.
32 Sums paid as commissions, drawing accounts, bonuses, or other incentive pay based on sales or
33 production, shall be excluded in computing the regular rate and the overtime rate of
34 compensation under the provisions of this section. In any work week in which an employee of a
35 retail business is employed on a Sunday or certain holidays at a rate of one and one-half times
36 the regular rate of compensation at which he is employed as provided in chapter 136, the hours
37 so worked on Sunday or certain holidays shall be excluded from the calculation of overtime pay
38 as required by this section, unless a collectively bargained labor agreement provides otherwise.
39 Except as otherwise provided in the second sentence, nothing in this section shall be construed to
40 otherwise limit an employee's right to receive one and one-half times the regular rate of
41 compensation for an employee on Sundays or certain holidays or to limit the voluntary nature of
42 work on Sundays or certain holidays, as provided for in said chapter 136.

43 This section shall not be applicable to any employee who is employed:—

44 (1) as a janitor or caretaker of residential property, who when furnished with living
45 quarters is paid a wage of not less than thirty dollars per week.

46 (2) as a golf caddy, newsboy or child actor or performer.

47 (3) as a bona fide executive, or administrative or professional person or qualified trainee
48 for such position earning more than eighty dollars per week.

49 (4) as an outside salesman or outside buyer.

50 (5) as a learner, apprentice or handicapped person under a special license as provided in
51 section nine.

52 (6) as a fisherman or as a person employed in the catching or taking of any kind of fish,
53 shellfish or other aquatic forms of animal and vegetable life.

54 (7) as a switchboard operator in a public telephone exchange.

55 (8) as a driver or helper on a truck with respect to whom the Interstate Commerce
56 Commission has power to establish qualifications and maximum hours of service pursuant to the
57 provisions of section two hundred and four of the motor carrier act of nineteen hundred and
58 thirty-five, or as employee of an employer subject to the provisions of Part 1 of the Interstate
59 Commerce Act or subject to title II of the Railway Labor Act.

60 (9) in a business or specified operation of a business which is carried on during a period
61 or accumulated periods not in excess of one hundred and twenty days in any year, and
62 determined by the commissioner to be seasonal in nature.

63 (10) as a seaman.

64 (11) by an employer licensed and regulated pursuant to chapter one hundred and fifty-
65 nine A.

66 (12) as a garageman, which term shall not include a parking lot attendant.

67 (13) in a non-profit school or college.

68 (14) in a summer camp operated by a non-profit charitable corporation.

69 (15) as a laborer engaged in agriculture and farming on a farm.

70 (16) in an amusement park containing a permanent aggregation of amusement devices,
71 games, shows, and other attractions operated during a period or accumulated periods not in
72 excess of one hundred and fifty days in any one year.

73 SECTION 7. Section 2 of said chapter 151, as so appearing, is hereby amended by
74 striking out, in line 27, the words “agricultural and farm work”.

75 SECTION 8. Section 7 of said chapter 151, as so appearing, is hereby amended by
76 striking out, in lines 30 and 31, the words “the cash wage required to be paid such an employee
77 on July 1, 1999” and inserting in place thereof the words:-

78 70 percent of the wage in effect under section 1 of this chapter

79 SECTION 9. Section 20A of said chapter 151, as so appearing, is hereby amended by
80 striking out, in line 2, the word “two” and inserting in place thereof the word:-

81 Three

82 SECTION 10. Section 1 shall take effect 60 days after enactment.

83 SECTION 11. Section 2 shall take effect on July 1, 2014.

84 SECTION 12. Section 3 shall take effect on July 1, 2015.