

SENATE No. 707

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act increasing the 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:

1 SECTION 1. Chapter 151 of the General Laws is hereby amended by striking out section
2 1, as appearing in the 2004 Official Edition, and inserting in place thereof the following three
3 subsections:-

4 Section 1. (a) It is hereby declared to be against public policy for any employer to employ
5 any person in an occupation in this commonwealth at an oppressive and unreasonable wage as
6 defined in section 2, and any contract, agreement or understanding for or in relation to such
7 employment shall be null and void. An hourly wage of less than the minimum wage specified in
8 subsection (b), in any occupation, as defined in this chapter, shall conclusively be presumed to be
9 oppressive and unreasonable, wherever the term “minimum wage” is used in this chapter, unless
10 the commissioner has expressly approved or shall expressly approve the establishment and
11 payment of a lesser wage under sections 7 and 9. In no case shall the minimum wage rate be less
12 than \$0.10 higher than the effective federal minimum rate.

13 (b) The minimum wage shall be \$8.75 per hour, adjusted for inflation each year as
14 specified in subsection (c).

(c) On September 30 of each year, the commissioner shall calculate and announce the percentage change in the national consumer price index for all urban consumers as prepared by the United States Bureau of Labor Statistics, or its successor index, for the most recent 12-month period for which such data are available. On January 1 of each calendar year, the minimum wage shall be the minimum wage in effect on September 30 of the previous calendar year increased by the percentage change in the consumer price index as calculated by the commissioner. In no instance shall the increase be less than zero.

SECTION 2. Section 2 of said chapter 151, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition of "Department" the following definition:-

"Employer", an individual, corporation, partnership, labor organization, the commonwealth, a political subdivision thereof, including a city, town, county, or other governmental entity authorized or created by state law, including a public corporation or authority, or any other legal business, public or private, or commercial entity, including agents of the employer.

SECTION 3. The third paragraph of section 7 of said chapter 151, as so appearing, is hereby amended by striking out clause (1) and inserting in place thereof the following clause:-
(1) 60 per cent of the minimum wage under subsection (b) of section 1.

SECTION 4. Section 1, section 2 and section 3 shall take effect on January 1, 2010.

SECTION 5. Section 1 of Chapter 151 is hereby further amended by striking out the figure "\$8.75", inserted by section 1(b), and inserting in place thereof the following figure:--
\$9.50.

SECTION 6. Section 5 shall take effect on January 1, 2011.