Service Employees
A service employee is someone who regularly receives more than $30 a month in tips. The employer must pay a cash wage of at least one-half of the regular minimum wage. If the employee's total cash wage combined with the total tips for the week do not average at least the minimum hourly wage, the employer must pay the employee the difference in wages. Tips belong to the employee providing direct service to the customer. Employees may not be required to pool or share their tips with other employees.

Exempt From Minimum Wage and Overtime*
- Individuals employed in agriculture, except when employed for or on a farm with over 300,000 laying birds.
- Employees whose earnings are from sales commissions and whose hours and place of employment are not controlled by the employer.
- Taxicab drivers.
- Counselors and junior counselors in summer camps for children.
- Employees of children's summer camps who are students under the age of 19 if the camp is under the provisions of Title 13 M.R.S.A., Part 2, which includes certain civic, social, charitable and fraternal orders.
- People who catch fish or work in farming of marine life.
- Switchboard operators in public telephone exchanges with less than 750 stations.
- Home workers not supervised or controlled and who buy raw materials and complete articles for sale.
- Dependent members of the employer's family.
- Executive, administrative or professional employees with a salary of at least $455.00 weekly.

Exempt From Overtime Only*
- Processing of sardines or other perishable food products.
- Public employees, including fire and police departments.
- Automobile salespeople, mechanics, service writers, and parts clerks who are paid on a commission or flat-rate basis.
- Drivers and driver's helpers who are exempt from overtime under Federal law:
  - Are exempt from overtime under Maine law if they are paid in a manner that is reasonably equivalent to 1 ½ times the regular hourly rate for all hours actually worked in excess of 40 hours in a week under rules established by the Bureau of Labor Standards.
  - Are exempt from overtime under Maine law if they are covered by a collective bargaining agreement that regulates their rate of pay.
- Are exempt from overtime under Maine law if they are employed by an entity that has a contract with the Federal Government or an agency of the Federal Government that dictates the minimum hourly rate they will be paid.

Equal Pay
Employees shall be paid the same wages as employees of the opposite sex for work that is of a comparable nature in skill, effort and responsibility. This does not include seniority, merit or shift differentials which do not discriminate based on sex.

Board and Lodging
Wages may include reasonable costs to the employer furnishing food and lodging. Food and lodging must actually be used by the employee, clearly shown on the employee statement and wage records, and approved by the Bureau of Labor Standards.

Statements to Employees
Every employer shall give to each employee with the payment of wages a statement clearly showing the date of the pay period, hours worked, total earnings and itemized deductions.

Records
Employers shall keep, for three years, accurate records of hours worked and wages paid to all employees.

Unfair Contracts
An employer cannot make a special contract or agreement with an employee to exempt that employee from minimum wage or overtime.

*Note: Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 207-780-3344.