

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 598

S.P. 282

In Senate, February 25, 2025

An Act to Require Minimum Pay for Reporting to Work

Received by the Secretary of the Senate on February 19, 2025. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIPPING of Penobscot.
Cosponsored by Representative ARCHER of Saco and
Representatives: BECK of South Portland, GEIGER of Rockland, MACIAS of Topsham,
ROEDER of Bangor.

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

2 **Sec. 1. 26 MRSA §626-A, first ¶**, as amended by PL 2021, c. 404, §2, is further
3 amended to read:

4 Whoever violates any of the provisions of section 600-A, sections 621-A to 623 or
5 section 626, 628, 628-A, 629 ~~or~~, 629-B or 639-A is subject to a ~~forfeiture~~ fine of not less
6 than \$100 nor more than \$500 for each violation.

7 **Sec. 2. 26 MRSA §639-A** is enacted to read:

8 **§639-A. Minimum pay for reporting to work**

9 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
10 following terms have the following meanings.

11 A. "Employee" has the same meaning as in section 663, subsection 3, but does not
12 include an individual employed in a seasonal industry as defined in section 1251,
13 subsection 1.

14 B. "Employer" means an employer, as defined in section 1043, subsection 9, that
15 employs at least 10 employees in the usual and regular course of business for more
16 than 120 days in a calendar year. "Employer" does not include a public employer as
17 defined in section 626.

18 **2. Pay for reporting to work.** On any day an employee reports to work at the request
19 of an employer and the employer cancels or reduces the number of hours in an employee's
20 scheduled shift, the employee must be paid the lesser of:

21 A. Two hours of pay at the employee's regular hourly rate of pay; and

22 B. The total pay for the shift for which the employee was initially scheduled.

23 **3. Notice.** An employer that makes a documented good faith effort to notify an
24 employee not to report to work is not liable to pay wages under subsection 2. If the
25 employee reports to work after the employer's attempt to notify the employee has been
26 unsuccessful or if the employer is prevented from making notification for any reason, the
27 employee shall perform whatever duties are assigned by the employer at the time the
28 employee reports to work, as long as the employee is physically able to perform those
29 duties.

30 **4. Exception.** The provisions of this section do not apply if an employee is not required
31 to work or is unable to work due to:

32 A. Adverse weather conditions;

33 B. A natural disaster or civil emergency;

34 C. An illness or medical condition of the employee; or

35 D. A workplace injury of the employee.

36 **5. Rules.** The Department of Labor may adopt rules to implement and enforce the
37 provisions of this section. Rules adopted pursuant to this subsection are routine technical
38 rules as defined in Title 5, chapter 375, subchapter 2-A.

1 **SUMMARY**

2 This bill provides that on any day an employee reports to work at the request of an
3 employer and the employer cancels or reduces the number of hours in an employee's
4 scheduled shift, the employee must be paid the lesser of 2 hours of pay at the employee's
5 regular hourly rate of pay and the total pay for the shift for which the employee was
6 scheduled. An employer that makes a documented good faith effort to notify an employee
7 not to report to work is not liable to pay wages. If the employee reports to work after the
8 employer's attempt to notify the employee has been unsuccessful or if the employer is
9 prevented from making notification for any reason, the employee must perform whatever
10 duties are assigned by the employer at the time the employee reports to work. The
11 provision does not apply when an employee is not required to work due to adverse weather
12 conditions, a natural disaster, a civil emergency, an illness or medical condition of the
13 employee or a workplace injury of the employee. The bill does not apply to public
14 employers or certain employers of seasonal employees. The bill applies to employers who
15 employ at least 10 employees in the usual and regular course of business for more than 120
16 days in a calendar year.