

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 490

H. P. 401

House of Representatives, January 30, 1975

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jensen of Portland.

Cosponsors: Mr. Davies of Orono; Mr. Truman of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Certain Overtime Exemptions under Minimum Wage Law.

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

26 MRSA, § 664, first ¶, as last amended by PL 1973, c. 752, § 1, is further amended to read:

By reason of the declaration of policy set forth in section 661 and in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, it is declared unlawful for any employer to employ any employee, except as otherwise provided in this subchapter, at the rate of less than \$2 per hour; nor work more than 40 hours in one week, unless $1\frac{1}{2}$ times the regular hourly rate is paid for all work done over 40 hours in any one week except that on October 15, 1975 to January 1, 1976, those employees in hotels, motels, restaurants and other eating establishments shall be paid $1\frac{1}{2}$ times their regular hourly rate for all work done over 46 hours in one week, on January 1, 1976 to January 1, 1977, for all work done over 44 hours in one week, and thereafter for all work done over 40 hours; and whenever the highest federal minimum wage is increased in excess of \$2 per hour, the minimum wage established under this section shall be increased to the same amount, effective on the same date as the increase in the highest federal minimum wage, but in no case shall the minimum wage exceed \$3 per hour. Except that on October 15, 1974, to October 15, 1975, those employees in a nursing home or employees in a hospital shall be paid at a rate of no less than \$1.90 per hour and thereafter \$2 per hour. The overtime provision of this section shall not apply to seamen, the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of

herring as sardines, of perishable foods, of agricultural produce and meat and fish products, nor to the canning of perishable goods ~~nor to hotels, motels, restaurants and other eating establishments.~~

STATEMENT OF FACT

Removal of the overtime exemption for hotels, motels and restaurants would result in the shortening of hours of work and opening of jobs to more workers, which is the purpose of premium pay for overtime. Further, it would eliminate the unfair advantage which these industries have over stores, recreational businesses and others who are required to pay overtime after 40 hours.

The Federal Fair Labor Standard Act now requires overtime in hotels and motels similar to that in this bill.