

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION

2
3 ONE HUNDRED AND TWELFTH LEGISLATURE

4
5 Legislative Document

No. 318

6
7 H.P. 264

House of Representatives, January 31, 1985

8 Reference to the Committee on Labor suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Beaulieu of Portland.

Cosponsored by Representative McCollister of Canton.

11
12 STATE OF MAINE

13
14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE

16
17 AN ACT Requiring Employee Rest Breaks.

18
19 Be it enacted by the People of the State of Maine as
20 follows:

21 26 MRSA c. 7, sub-c. I-A is enacted to read:

22 SUBCHAPTER I-A

23 HOURS OF EMPLOYMENT

24 §601. Rest breaks

25 In the absence of a collective bargaining agree-
26 ment providing otherwise, an employee, as defined in
27 section 663, may be employed or permitted to work for
28 no more than 4 consecutive hours at one time unless
29 he receives at least 40 minutes of rest time, except
30 in cases of emergency. This rest time may include
31 time granted for meals.

32 §602. Enforcement and penalty

The following provisions govern the enforcement
of this subchapter.

1. Violation. Any employer who violates this subchapter commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 for each violation may be adjudged.

2. Discharge or discrimination. Any employer, who discharges or in any other manner discriminates against any employee because the employee makes a complaint to the director, the district attorney or the Attorney General concerning a violation of this subchapter, commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.

3. Injunction. If any provision of this subchapter is violated, the Attorney General may seek an injunction in the Superior Court to enjoin any further violations or to compel the reinstatement of an employee discharged or discriminated against as described in subsection 2.

STATEMENT OF FACT

Currently, state law requires no rest breaks for workers at all. It is possible for an employer to legally require a worker to work a straight 8-hour day without even giving him a lunch break. This bill establishes the minimal requirement of granting a worker at least 40 minutes of rest or meal time if that worker works over 4 consecutive hours, except during an emergency or if the workers have bargained for other arrangements. It also establishes a method of enforcing those provisions. The employer would not be required to pay the worker for this time, nor would he be required to provide the break at any specific time or in any specific amounts. These and

1 other concerns are left to the bargaining process or
2 employer-employee agreement. All that this bill re-
3 quires is that an employee receive at least 40 min-
4 utes of time away from his job when he works more
5 than 4 consecutive hours, unless the workers have
6 bargained for other arrangements.

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