## MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

### SECOND REGULAR SESSION - 1990

Legislative Document

No. 1885

H.P. 1368

House of Representatives, December 11, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 11, 1989. Referred to the Committee on Labor and 1600 ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative PINEAU of Jay.

Cosponsored by Representative GREENLAW of Standish, Senator MATTHEWS of Kennebec and Representative PEDERSON of Bangor.

#### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Establish Uniform Overtime Standards for Public Employees.



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

- Sec. 1. 26 MRSA §663, sub-§7, as amended by PL 1967, c. 385, is further amended to read:
- 7. Minimum wage for firefighters. Members of municipal fire fighting departments, other than volunteer or call-departments, who are paid salaries or regular wages, are deemed to be employees within the meaning of this section and are covered by this subchapter. Firemen's Firefighters' wages may shall be paid by the municipality based upon the average number of scheduled hours worked during any one work eyele-which-is not-to-exceed-12 weeks-in-duration week. However, 1 1/2 times the hourly rate shall not be paid for all work-done scheduled hours over 48 42 hours under this subsection;

Sec. 2. 26 MRSA  $\S664$ , first  $\P$ , as amended by PL 1987, c. 738,  $\S1$ , 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 \$3.65 per hour in 1987 and \$3.75 per hour starting January 1, 1989 and \$3.85 per hour starting January 1, 1990, but in no case may the minimum hourly wage exceed the average minimum hourly wage of the 5 other New England states; or to require any employee to work more than 40 hours in one week, unless 1 1/2 times the regular hourly rate is paid for all work done over 40 hours in any one week; and whenever the highest federal minimum wage is increased in excess of the minimum wage established under this section, the minimum wage 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 \$5 per hour. The overtime provision of this section shall apply to seamen, the canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of herring as sardines, of perishable foods, agricultural produce and meat and fish products, nor to the canning of perishable goods, nor to hotels, motels, restaurants and other eating establishments, public-employees, automobile mechanics or automobile salesmen.

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#### STATEMENT OF FACT

The purpose of this bill is to establish uniform overtime standards for public employees that are more consistent with overtime standards for private sector employees. Currently, in some municipalities, firefighters are required to work more hours per week than other public and private sector employees before

- receiving overtime benefits. This bill would still require firefighters to work 42 hours per week before receiving overtime, unlike other employees who receive overtime after 40 hours per
- week. The 42-hour standard is used because it is the accepted norm in Maine and other northeastern states for the fire service,
- due to their unique scheduling requirements.