

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 496

S.P. 188

In Senate, February 10, 1995

**An Act to Permit an Employer to Offer a Compressed Time Workweek
to Consenting Employees.**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator SMALL of Sagadahoc.
Cosponsored by Senators: AMERO of Cumberland, BEGLEY of Lincoln, HANLEY of
Oxford, HARRIMAN of Cumberland, Representatives: BARTH of Bethel, MARVIN of Cape
Elizabeth, MAYO of Bath, PEAVEY of Woolwich, STEDMAN of Hartland.

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

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Sec. 1. 26 MRSA §664, first ¶, as amended by PL 1991, c. 507, §2, 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 except as provided in section 664-A, 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 must be increased to the same amount, effective on the same date as the increase in the highest federal minimum wage, but in no case may the minimum wage exceed \$5 per hour. The overtime provision of this section does not apply to mariners; 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; public employees; nor to automobile mechanics, automobile parts clerks or automobile sales representatives.

Sec. 2. 26 MRSA §664-A is enacted to read:

§664-A. Compressed time arrangements

An employer may offer to a consenting employee who wishes to participate a work schedule that permits the employee to work 44 hours in a single workweek without overtime compensation and to work 36 hours in the succeeding workweek, resulting in a 2-week, 9-day work period equal to 80 hours. If an employee is working under such a compressed time arrangement, any hours worked during any given 2-week period exceeding 80 hours must be compensated at a rate of 1 1/2 times the regular hourly rate.

STATEMENT OF FACT

Under current law, an employer may not require an employee to work more than 40 hours in one week, unless the hours exceeding 40 are compensated at a rate of 1 1/2 times the regular

hourly rate. This bill permits employers to offer to consenting
2 employees who wish to participate the ability to work 44 hours in
one week and 36 hours in the succeeding week, resulting in a
4 2-week, 80-hour work period that is completed in 9 work days,
rather than 10.