

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

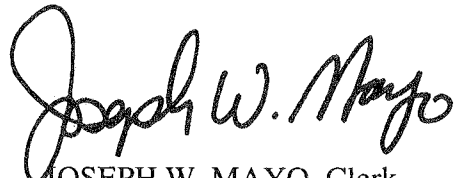
No. 178

H.P. 136

House of Representatives, January 14, 1997

**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.


JOSEPH W. MAYO, Clerk

Presented by Representative WINSOR of Norway.
Cosponsored by Senator SMALL of Sagadahoc.

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

2
3 **Sec. 1. 26 MRSA §664, sub-§3**, as amended by PL 1995, c. 510,
4 §1, is further amended to read:

6 **3. Overtime rate.** As Except as provided in section 664-A,
7 an employer may not require an employee to work more than 40
8 hours in any one week unless 1 1/2 times the regular hourly rate
9 is paid for all hours actually worked in excess of 40 hours in
10 that week. The regular hourly rate includes all earnings,
11 bonuses, commissions and other compensation that is paid or due
12 based on actual work performed and does not include any sums
13 excluded from the definition of "regular rate" under the Fair
14 Labor Standards Act, 29 United States Code, Section 207(e).

15 The overtime provision of this section does not apply to:

18 A. Automobile mechanics, automobile parts clerks and
19 automobile salesmen sales representatives as defined in
20 section 663;

22 B. Hotels and motels;

24 C. Mariners;

26 D. Public employees;

28 E. Restaurants and other eating establishments; and

30 F. The canning, processing, preserving, freezing, drying,
31 marketing, storing, packing for shipment or distribution of:

32 (1) Agricultural produce;

34 (2) Meat and fish products; and

36 (3) Perishable foods.

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

40 **§664-A. Compressed time arrangements**

42 **1. Compressed workweek option.** An employer may offer to a
43 consenting employee a work schedule that permits the employee to
44 work 44 hours in a single workweek without overtime compensation
45 and to work 36 hours in the succeeding workweek, resulting in a
46 2-week work period equal to 80 hours. If an employee is working
47 under such a compressed time arrangement, any hours worked during
48 the 2-week period exceeding 80 hours must be compensated at a
49 rate of 1 1/2 times the regular hourly rate.
50

