

# MAINE STATE LEGISLATURE

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L.D. 347

DATE: 4-15-97

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 283, L.D. 347, Bill, "An Act to Require Overtime Pay for Employees of Large Agricultural Employers"

Amend the amendment by striking out all of section 1 (page 1, lines 26 to 40 in amendment) and inserting in its place the following:

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

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

The overtime provision of this section does not apply to:

A. Automobile mechanics, automobile parts clerks and automobile salesmen as defined in section 663;

B. Hotels and motels;

C. Mariners;

D. Public employees;

E. Restaurants and other eating establishments; and

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

4 (1) Agricultural produce;

6 (2) Meat and fish products; and

8 (3) Perishable foods.

10 Notwithstanding this subsection, individuals employed, directly  
12 or indirectly, for or at an egg processing facility that has over  
14 300,000 laying birds must be paid overtime for all hours actually  
worked in excess of 50 hours in that week.'

16  
18 **SUMMARY**

20 This amendment incorporates Committee Amendment "A" and also  
requires that overtime must be paid for all hours actually worked  
22 in excess of 50 hours in a week.

24 SPONSORED BY: *Lawrence Mello*  
26 (Representative SNOWE-MELLO)

28 TOWN: Poland

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