

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1221

S.P. 362

In Senate, February 25, 1997

**An Act to Permit Whitewater Rafting Guides to Be Paid at a Daily
Rather Than an Hourly Rate.**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

4 Sec. 1. 12 MRSA §7366-B is enacted to read:

6 §7366-B. Compensation of whitewater guides

8 An employer may employ a person licensed under section 7366
10 to act as a whitewater guide and may pay that employee on a daily
12 rather than an hourly basis for those services if that employee's
14 daily compensation rate is at least equal to the hourly state
16 minimum wage under Title 26, section 664 for the first 8 hours
worked in a day plus 1.5 times the hourly state minimum wage for
each hour or portion of an hour worked over 8 hours in that day.
A person who is compensated under the provisions of this section
for more than 40 hours of work in a week is not subject to the
overtime provisions of Title 26, section 664.

18 Sec. 2. 26 MRSA §664, sub-§3, ¶¶ E and F, as enacted by PL 1995,
20 c. 305, §1, are amended to read:

22 E. Restaurants and other eating establishments; and

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

26 (1) Agricultural produce;

28 (2) Meat and fish products; and

30 (3) Perishable foods; and

32 Sec. 3. 26 MRSA §664, sub-§3, ¶ G is enacted to read:

34 G. A person who is licensed as a whitewater guide under
36 Title 12, section 7366, is employed as a whitewater guide on
a day-to-day basis and is compensated under the provisions
38 of Title 12, section 7366-B.

40 SUMMARY

42 This bill allows an employer to employ a licensed
44 whitewater guide for more than 40 hours in a week without
violating the state overtime laws as long as that guide is paid
46 at a daily rate that is at least equal to the state hourly
minimum wage for the first 8 hours worked plus 1.5 times the
48 hourly minimum wage for each hour or portion of an hour over 8
hours worked in that day.