

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 789, L.D. 2116, Bill, "An Act to Limit Mandatory Overtime"

Amend the amendment in section 1 in that part designated "~~§603.~~" in subsection 3 in paragraph C in the last line (page 2, line 3 in amendment) by striking out the following: "; or" and inserting in its place the following: ';'

Further amend the amendment in section 1 in that part designated "~~§603.~~" in subsection 3 in paragraph D in the last line (page 2, line 6 in amendment) by striking out the following: "." and inserting in its place the following: '; or'

Further amend the amendment in section 1 in that part designated "~~§603.~~" in subsection 3 by inserting at the end the following:

'E. Employees of a seasonal employer. For purposes of this paragraph, a "seasonal employer" is an employer in an industry that operates in a regularly recurring period or periods of less than 26 weeks in a calendar year.

4. Emergency waiver. An employer may request that the commissioner grant an emergency waiver from the limit in subsection 1. The commissioner may grant the waiver if unforeseen or uncontrollable events have occurred that, without the waiver, will result in significant adverse harm to that employer's business and if the commission determines that the waiver is not sought for the purpose of abusing subsection 1. If the commissioner grants an emergency waiver:

A. The commissioner shall establish the duration of the waiver, not to exceed 3 weeks;

2 B. The commissioner shall provide to the employer a written  
4 notice of the emergency waiver. The notice must include  
findings of fact and the specific dates for which the waiver  
is granted; and

6 C. The employer shall post the notice and findings of fact  
8 immediately in the same place and manner as all other  
employment-related notices that are required to be posted.'

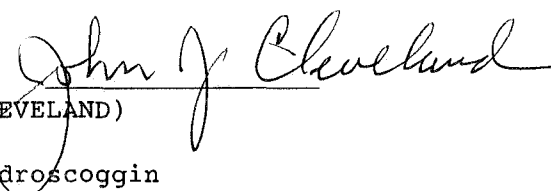
10 **FISCAL NOTE**

12 The Department of Labor will incur some minor additional  
14 costs to administer a waiver process regarding mandatory overtime  
16 limitations. These costs can be absorbed within the department's  
existing budgeted resources.

18 **SUMMARY**

20 This amendment excludes employees of seasonal employers from  
22 the limitation on mandatory overtime. A seasonal employer is  
24 defined as one in an industry that operates in a regularly  
recurring period or periods of less than 26 weeks in a calendar  
year.

26 This amendment provides for temporary relief from the  
28 mandatory overtime limit in emergency situations. An employer  
30 may apply for an emergency waiver to the Commissioner of Labor.  
32 The commissioner may grant the waiver if unforeseen or  
34 uncontrollable events have occurred that, without the waiver,  
will result in significant adverse harm to the employer's  
36 business and if the commissioner determines that the waiver is  
38 not sought to abuse the limits on mandatory overtime. The  
40 commissioner shall determine the duration of the waiver, which  
may be in effect for up to 3 weeks. If the commissioner grants  
the waiver, the commissioner must send a written notice of the  
waiver to the employer seeking the waiver. The notice must  
include findings of fact and the dates for which the waiver is in  
effect. The employer must immediately post the notice in the  
same place and manner as other employment-related notices are  
required to be posted.

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