

MAINE STATE LEGISLATURE

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DATE: *March 16, 1998*

(Filing No. S- 518)

LABOR

Reported by:

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION**

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

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §603 is enacted to read:

§603. Limits on mandatory overtime

1. Limits on mandatory overtime. An employer may not require an employee to work more than 96 hours of overtime in any consecutive 3-week period.

2. Overtime defined. As used in this section, "overtime" means the hours worked in excess of 40 hours in a calendar week.

3. Exceptions. This section does not apply to:

A. Work performed in response to an emergency declared by the Governor under the laws of the State;

B. Employees who perform essential services for the public. For purposes of this paragraph, "essential services for the public" means those services that are basic or indispensable and are provided to the public as a whole, including, but not limited to, utility service, snow plowing, road maintenance and telecommunications service;

2 C. Employees whose work is necessary for the public health
4 or safety; or

6 D. Individuals exempt from the definition of "employee" in
8 section 663, subsection 3.'

8 **Sec. 2. Appropriation.** The following funds are appropriated
10 from the General Fund to carry out the purposes of this Act.

1998-99

12 **LABOR, DEPARTMENT OF**
14 **Regulation and Enforcement**

16 All Other \$11,259

18 Appropriates funds for the
20 costs of revising the minimum
22 wage poster.'

24 Further amend the bill by inserting at the end before the
26 summary the following:

28 **FISCAL NOTE**

1998-99

30 **APPROPRIATIONS/ALLOCATIONS**

32 General Fund \$11,259

34 This bill will require the revision of the minimum wage
36 poster by the Department of Labor, Bureau of Labor Standards. A
38 General Fund appropriation of \$11,259 in fiscal year 1998-99 is
40 required for printing and mailing costs. If other bills are
42 enacted that also require changes to the poster, the cost
44 properly allocated to this bill can be reduced.'

46 **SUMMARY**

48 This amendment replaces the bill and is the majority report
of the Joint Standing Committee on Labor. It states that an
employer may not require an employee to work more than 96 hours
of overtime in any consecutive 3-week period. "Overtime" is
defined as anything over 40 hours in a calendar week. The

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2 amendment creates exceptions for work performed in response to a
declared emergency, employees who perform essential services for
the public, employees whose work is necessary for the public
4 health or safety and individuals exempt from the definition of
employee in section 663, which includes employees of seasonal
6 employers. The amendment also adds an appropriation section and
a fiscal note to the bill.