

MAINE STATE LEGISLATURE

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1207
m
R.S.

L.D. 1019

DATE: 3-17-00

(Filing No. H-893)

REPORT A
LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 729, L.D. 1019, 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. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means all private and public employers, including the State and political subdivisions of the State.

B. "Overtime" means the hours worked in excess of 40 hours in a calendar week.

2. Limits on mandatory overtime. An employer may not require an employee to work more than 80 hours of overtime in any consecutive 2-week period.

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;

H. of S.

COMMITTEE AMENDMENT "A" to H.P. 729, L.D. 1019

- 2 B. An employee who performs essential services for the
- 4 public. For purposes of this paragraph, "essential services"
- 6 means those services that are basic or indispensable and are
- 8 provided to the public as a whole, including, but not
- 10 limited to, utility service, snowplowing, road maintenance
- 12 and telecommunications service;
- 14 C. An employee whose work is necessary to protect the
- 16 public health or safety, when the excess overtime is
- 18 required outside the normal course of business;
- 20 D. An individual exempt from the definition of employee in
- 22 section 663, subsection 3, paragraph A, B, C, F, G, I or J;
- 24 E. A salaried employee who works in a bona fide executive
- 26 capacity and whose regular compensation, when converted to
- 28 an annual rate, exceeds 3000 times the State's minimum
- 30 hourly wage; or
- 32 F. An employee of a seasonal employer. For purposes of
- 34 this paragraph, "seasonal employer" means an employer in an
- 36 industry that operates in a regularly recurring period or
- 38 periods of less than 26 weeks in a calendar year.

4. Lower limit by agreement. Employers and employees may agree to limit mandatory overtime to fewer hours than provided for in this section.

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

32 2000-01

34 **LABOR, DEPARTMENT OF**

36 **Regulation and Enforcement**

38 All Other \$12,134

40 Provides funds for the costs associated with
42 revising the Regulation of Employment
poster.'

44 Further amend the bill by inserting at the end before the
46 summary the following:

48 **FISCAL NOTE**

50 2000-01

COMMITTEE AMENDMENT

A. & S.

2 **APPROPRIATIONS/ALLOCATIONS**

4 General Fund \$12,134

6 This bill will require the revision of the Regulation of
7 Employment poster by the Department of Labor, Bureau of Labor
8 Standards. This bill includes a General Fund appropriation of
9 \$12,134 in fiscal year 2000-01 for the Department of Labor for
10 printing and mailing costs. If other bills are enacted that also
11 require changes to the poster, the cost properly allocated to
12 this bill can be reduced.

14 The effect of the mandatory overtime limitations on the
15 operating costs of state departments and agencies, including the
16 Legislature, can not be determined at this time.

18 This bill may increase the number of civil cases filed in
19 the court system. The additional workload and administrative
20 costs associated with the minimal number of new cases filed can
21 be absorbed within the budgeted resources of the Judicial
22 Department. The collection of additional fines may also increase
23 General Fund revenue by minor amounts.

24 The additional enforcement costs associated with the
25 proposed limits on mandatory overtime can be absorbed by the
26 Department of the Attorney General utilizing existing budgeted
27 resources.'

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SUMMARY

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34 This amendment replaces the bill. It changes the limit on
35 overtime to 80 hours in a 2-week period. It also exempts from
36 the limit certain types of work and certain employees, including
37 essential public service workers such as utility workers and road
38 maintenance crews, seasonal employees, certain salaried workers,
39 fisheries employees, agricultural workers, domestics,
40 salespeople, camp counselors, cottage industry workers, employed
41 immediate family and work performed in response to an emergency
42 declared by the Governor under state law. It also adds a fiscal
43 note and appropriation section; provides that the law applies to
44 all employers, including the State; and allows agreements to
provide lower limits on mandatory overtime than provided in the
bill.