

MAINE STATE LEGISLATURE

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M
R. G. S.

L.D. 2334

DATE: 4-13-00

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the amendment by inserting after Part F a new Part G to read:

PART G

Sec. G-1. 26 MRSA §621-A, sub-§§3 and 4 are enacted to read:

3. Compensatory time agreements. Notwithstanding subsections 1 and 2, public agency employers and employees may enter into compensatory time overtime agreements in accordance with the federal Fair Labor Standards Act, 29 United States Code, Section 207(o). These agreements are governed solely by federal law. For purposes of this subsection, "public agency" has the same meaning as in 29 United States Code, Section 203(x).

4. School personnel. Employees of a school administrative unit who work the school year schedule may, upon written agreement with the employer, be paid for their work during the school year over 12 months. For purposes of this subsection, "written agreement" includes but is not limited to a collective bargaining agreement.

Sec. G-2. 26 MRSA §623, as amended by PL 1999, c. 465, §4, is further amended to read:

§623. Exemptions

This section and sections 621-A and 622 do not apply to family members and salaried employees as defined in section 663, subsection 3, paragraphs J and K. Sections 621-A and 622 do not

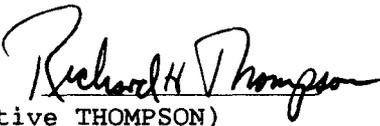
apply to an employee of a cooperative corporation or association
if the employee is a stockholder of the corporation or
association, unless the employee requests the association or
corporation to pay that employee in accordance with section
621-A. A Except as provided in section 621-A, subsections 3 and
4, a corporation, contractor, person or partnership may not by a
special contract with an employee or by any other means exempt
itself from this section and sections 621-A and 622.

Sec. G-3. Retroactivity. Those sections of this Part that
amend the Maine Revised Statutes, Title 26, sections 621-A and
623 apply retroactively to September 18, 1999.'

Further amend the amendment by relettering or renumbering
any nonconsecutive Part letter or section number to read
consecutively.

SUMMARY

This amendment amends the biweekly pay law enacted in the
First Regular Session of the 119th Legislature to authorize 2
long-standing practices in the public sector that were
inadvertently affected by the new law. First, public sector
employers are authorized under the Fair Labor Standards Act to
permit the earning of compensatory time, at the rate of time and
a half, as payment for overtime worked. Under the federal
regulations, this accrual of compensatory time must be with the
permission of the employee and any amount on the books at the
retirement, resignation or termination of an employee must be
paid out in the same manner as accrued vacation time. This
amendment would permit this use of compensatory time under the
federal law and regulation, without violating the biweekly wage
payment provisions of state law. Second, the amendment allows
school administrative units to pay staff who work the school year
over all 12 months of the year, rather than paying only during
the school year, if the employees have agreed to that payment
schedule.

SPONSORED BY: 
(Representative THOMPSON)

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