

MAINE STATE LEGISLATURE

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*M.
R. & S.*

L.D. 2530

DATE: *4-6-00*

(Filing No. H-*1076*)

JUDICIARY

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

COMMITTEE AMENDMENT "*A*" to H.P. 1803, L.D. 2530, Bill, "An Act to Restore Federal Protections to Maine State Employees"

Amend the bill by striking out the title and substituting the following:

'An Act to Provide Payment for Overtime Amounts Due and to Reimburse for Costs Incurred in an Action to Recover those Amounts'

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

'Sec. 1. Payments to employees and former employees. Upon receipt of a written release as provided in section 3, the Department of Administrative and Financial Services shall make payments as settlement of claims against the State, as specified in a document attached to a letter dated April 4, 2000 from David Plimpton, Special Master in the case of Mills v. Maine, No. 92-410-P-H (D.Me. 1992) to the chairs of the Joint Standing Committee on Judiciary and in a judgment entered in the United States District Court for the District of Maine dated August 26, 1994. Copies of the document are on file at the Office of the Attorney General, the Bureau of Employee Relations within the Department of Administrative and Financial Services, the Department of Corrections and the Maine State Employees Association. Notwithstanding Title 5, section 17001, subsection 13, amounts paid pursuant to this Act are not considered "earnable compensation" for purposes of retirement.

COMMITTEE AMENDMENT

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Sec. 2. Costs of suit. Upon presentation of invoices indicating payment for the following costs, the Department of Administrative and Financial Services shall reimburse the entities who made the following payment:

1. Special Master Fees in the case of Mills v. Maine before the U.S. District Court for the District of Maine, not to exceed \$51,841.24;

2. Transcription costs in the case of Mills v. Maine, not to exceed \$5,815.47; and

3. Cost of printing legal briefs for appeal of the case of Alden v. Maine, 119 S. Ct. 2240 (1999) to the U.S. Supreme Court, not to exceed \$11,322.60.

Sec. 3. Release. Payments may not be made under this Act to any person unless that person signs a release releasing the State, its commissioners, directors and employees from any and all liability for claims relating to or arising out of claims for overtime compensation owed under the Fair Labor Standards Act, 29 United States Code, Section 201 et seq., including, but not limited to, all claims that were or could have been raised in the matters of Mills et al. v. Maine, Alden v. Maine, Farr et al. v. Maine, No. CV-97-438 (Cumb, Cty 2/26/96) and Blackie v. Maine, 75 F.3d 716 (1st Cir. 1996).

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Miscellaneous Acts and Resolves

All Other \$282,894

Provides funds to pay employees and former employees for overtime and to reimburse for certain litigation costs in the cases of Mills v. Maine and Alden v. Maine.

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

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FISCAL NOTE

2000-01

APPROPRIATIONS/ALLOCATIONS

General Fund \$282,894

This bill provides a General Fund appropriation of \$282,894 in fiscal year 2000-01 to pay employees and former employees for overtime and to reimburse for certain litigation costs in the cases of Mills v. Maine and Alden v. Maine.'

SUMMARY

This amendment replaces the bill. It provides for payment of amounts due as overtime pay to a list of employees and former employees who sued the State in the cases of Mills v. Maine and Alden v. Maine, alleging payment due for overtime. Those cases were dismissed from state and federal court on the grounds of sovereign immunity. In the federal court, a Special Master had made preliminary findings of amounts due before the case was dismissed. The sums in this bill are the sums found by the Special Master to be due, excluding liquidated damages. The amendment also requires the State to reimburse representatives of the plaintiffs for the cost of the Special Master and for certain transcription and printing costs. The amendment also adds an appropriation section and a fiscal note to the bill.