

MAINE STATE LEGISLATURE

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L.D. 1082

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DATE: May 1, 2001

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 314, L.D. 1082, Bill, "An Act to Amend the State's Overtime Law"

Amend the bill in section 1 by striking out all of subsection 5 (page 1, lines 5 to 14 in L.D.) and inserting in its place the following:

'5. Exception for nurse or other health care worker. Notwithstanding subsection 2, a person who provides direct care to patients may not be disciplined for refusing to work overtime if:

A. That person is licensed pursuant to Title 32, chapter 31, subchapter I or employed by a licensed, certified or registered provider of mental or physical health care in the public or private sector or any business establishment providing health care services; and

B. That person has determined, in the exercise of professional judgment, that that person, due to fatigue or other factors, may not be able to provide quality care to that person's patients during those overtime hours.

This subsection does not apply to overtime for performance of services described in subsection 3, paragraph A or C.'

SUMMARY

This amendment rewrites the bill to clarify the circumstances under which a nurse or other health care worker is

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COMMITTEE AMENDMENT "A" to S.P. 314, L.D. 1082

2 protected from discipline for refusing to work overtime. The
nurse or other health care worker is protected from discipline if
4 the refusal to work overtime is based on that person's
determination, in the exercise of professional judgment, that he
6 or she may not be able to provide quality care to patients during
those overtime hours because of fatigue or other factors. This
protection applies even if the person has worked fewer than the
8 limit on overtime hours allowed under the law, but it does not
apply when overtime is mandated because of an emergency declared
10 by the Governor or when overtime is necessary to protect public
health or safety and is outside the normal course of business.

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