

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2108

H.P. 1611

House of Representatives, February 14, 2002

**An Act to Coordinate the Maine Overtime Pay Provisions with the
Federal Fair Labor Standards Act Regarding Exceptions for Businesses
Involved in the Transportation of Persons or Goods.**

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BUNKER of Kossuth Township. (GOVERNOR'S BILL)
Cosponsored by Senator TURNER of Cumberland and
Representative FISHER of Brewer, Senator: O'GARA of Cumberland.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 26 MRSA §664, sub-§3, ¶E, as enacted by PL 1995, c. 305, §1, is amended to read:

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E. Restaurants and other eating establishments; and

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Sec. 2. 26 MRSA §664, sub-§3, ¶F, as amended by PL 1997, c. 136, §1, is further amended to read:

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F. The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of:

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(1) Agricultural produce;

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(2) Meat and fish products; and

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(3) Perishable foods.

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Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds must be paid overtime in accordance with this subsection, and

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Sec. 3. 26 MRSA §664, sub-§3, ¶G is enacted to read:

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G. Any employee of a business engaged in the transportation of persons or goods exempted from the overtime provision of the federal Fair Labor Standards Act of 1938, as amended, 29 United States Code, Section 213 (b)(1), (2), (3) and (6).

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Sec. 4. Retroactivity. This Act is retroactive to January 1, 1995.

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SUMMARY

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This bill clarifies that the federal practice of exempting most common carriers from the payment of overtime to their employees also applies to the Maine overtime law. It makes this clarification retroactive to January 1, 1995.