

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

DATE: 5-27-03

*m*  
**R.S.**

**LABOR**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1198, L.D. 1619, Bill, "An Act To Provide Equitable Treatment to State Employees"

Amend the bill in section 1 in paragraph D in the first and 2nd lines (page 1, lines 6 and 7 in L.D.) by striking out the following: "executive, judicial or legislative" and inserting in its place the following: 'executive or judicial'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 26 MRSA §664, sub-§4 is enacted to read:

4. Compensatory time. To the extent permitted under the federal Fair Labor Standards Act of 1938, as amended, 29 United States Code, Section 207(o), the overtime pay requirement applicable to executive or judicial employees as described in subsection 3, paragraph D may be met through compensatory time agreements.'

Further amend the bill in section 2 in that part designated "§670-A." in the first paragraph in the 2nd and 3rd lines (page 1, lines 15 and 16 in L.D.) by striking out the following: "executive, judicial or legislative" and inserting in its place the following: 'executive or judicial'

Further amend the bill in section 2 in that part designated "§670-A." in the first paragraph in the 6th and 7th lines (page 1, lines 19 and 20 in L.D.) by striking out the following: "executive, judicial or legislative" and inserting in its place the following: 'executive or judicial'

**COMMITTEE AMENDMENT**

**R. 45**

COMMITTEE AMENDMENT "A" to H.P. 1198, L.D. 1619

2 Further amend the bill in section 2 in that part designated  
3 "~~S670-A~~" in the first paragraph in the 3rd line from the end  
4 (page 1, line 25 in L.D.) by striking out the following:  
5 "~~executive, judicial or legislative~~" and inserting in its place  
6 the following: 'executive or judicial'

8 Further amend the bill by relettering or renumbering any  
9 nonconsecutive Part letter or section number to read  
10 consecutively.

12  
14

**SUMMARY**

16 This amendment removes legislative employees from the  
17 provision requiring overtime pay for other state employees. It  
18 also adds language to make clear that compensatory time  
19 agreements that may be used to comply with federal overtime laws  
20 applicable to public employees may also be used to comply with  
21 the overtime rate provisions being applied to executive and  
22 judicial employees. Finally, the amendment adds an  
23 appropriations and allocations section to the bill.

24  
26

**FISCAL NOTE REQUIRED  
(See attached)**

121st Maine Legislature  
Office of Fiscal and Program Review

LD 1619

An Act to Provide Equitable Treatment to State Employees



LR 2151(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Labor

Fiscal Note Required: Yes

---

---

**Fiscal Note**

Current biennium cost increase - Ferry Service Enterprise Fund

**Correctional and Judicial Impact Statements:**

This bill may increase the number of civil suits filed in the state court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.

**Fiscal Detail and Notes**

Because the State of Maine has made a good faith effort to comply with the Fair Labor Standards Act regarding overtime, it is believed that any new challenges to recover unpaid overtime wages under this new system will be minimal. Any requests to work overtime by employees will be appropriately reviewed.

The additional cost to the Island Ferry Services Fund within the Department of Transportation associated with the workers' compensation premiums for the ferry services workers can not be determined at this time. However, the Department of Administrative and Financial Services estimates that the cost could be as high as \$124,080 annually. This estimate is based on a workers' compensation premium rate of \$1,320 and 79 full-time and 29 intermittent ferry services employees being affected by this measure. The additional cost to the Department of Labor can be absorbed utilizing existing budgeted resources.