

# MAINE STATE LEGISLATURE

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MAJORITY  
LABOR

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

COMMITTEE AMENDMENT "A" to H.P. 1206, L.D. 1627, "Resolve, Regarding Legislative Review of Chapter 14: Rules Governing Alternative Methods of Payment of Overtime for Certain Drivers and Drivers Helpers, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards"

Amend the resolve in section 1 in the last line (page 1, line 28 in L.D.) by striking out the following: "authorized." and inserting in its place the following: 'not authorized; and be it further'

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

**Sec. 2. Department to request legal opinion. Resolved:** That the Department of Labor shall request that the Attorney General provide a legal opinion by September 1, 2003 as to the ability of the Department of Labor to take into account hours worked outside the State when determining whether overtime pay is required for work within the State; and be it further

**Sec. 3. Report to labor committee. Resolved:** That the Department of Labor shall meet with the Joint Standing Committee on Labor in September 2003, at the committee's request, to report on the Attorney General's opinion and the department's response to the opinion; and be it further

**Sec. 4. Resubmission of rules. Resolved:** That the Department of Labor shall revise and resubmit the provisionally adopted rule described in section 1 to the Legislature in time for review during the Second Regular Session of the 121st Legislature, taking into account the Attorney General's opinion and recommendations of the Joint Standing Committee on Labor.'

COMMITTEE AMENDMENT

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**SUMMARY**

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6 This amendment is the majority report of the Joint Standing  
8 Committee on Labor. It provides that the Department of Labor is  
10 not authorized to finally adopt rules relating to alternative  
12 methods of payment for truck drivers and drivers helpers, as  
14 submitted to the Legislature. It requires the department to seek  
a legal opinion from the Attorney General, to be provided by  
September 1, 2003, and to report in September 2003 to the Joint  
Standing Committee on Labor regarding that opinion and the  
department's recommendations relating to the opinion. Finally,  
it requires the department to resubmit rules to the Second  
Regular Session of the 121st Legislature.

**FISCAL NOTE REQUIRED**  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**



**LD 1627**

**Resolve, Regarding Legislative Review of Chapter 14: Rules Governing  
Alternative Methods of Payment of Overtime for Certain Drivers and  
Drivers Helpers, a Major Substantive Rule of the Department of Labor,  
Bureau of Labor Standards**

**LR 2167(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Labor**

**Fiscal Note Required: Yes**

**Majority Report**

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**Fiscal Note**

Minor cost increase - General Fund

**Fiscal Detail and Notes**

Any additional cost to the Department of Labor, Bureau of Labor Standards can be absorbed utilizing existing budgeted resources.