## MAINE STATE LEGISLATURE

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## 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

**Legislative Document** 

No. 435

H.P. 320

House of Representatives, January 27, 2005

An Act To Conform Maine Law to Federal Overtime Standards

Reference to the Committee on Labor suggested and ordered printed.

Millient M. MacFARLAND

Clerk

Presented by Representative McKANE of Newcastle.
Cosponsored by Senator SNOWE-MELLO of Androscoggin and
Representatives: McFADDEN of Dennysville, MILLETT of Waterford, TRAHAN of
Waldoboro, VAUGHAN of Durham.

Sec. 1. 26 MRSA §664, sub-§3, as amended by PL 2003, c. 423, §1 and affected by §5, is further amended to read:  3. Overtime rate. An employer may not require an employee to work mere-than-40-hours-in-any-one-week-unless-1-1/2-times-the regular-hourly-rate-is-paid-fer-all-hours-actually-worked-in excess-of-40-hours-in-that-weekThe-regular-hourly-rate includesallearnings,bonuses,commissionsandether compensation-that-is-paid-or-due-based-on-actual-work-performed		Be it enacted by the People of the State of Maine as follows:
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(2) Meat and fish products; and  (3) Perishable foods.  Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds	42	marketing, storing, packing for shipment or distribution of:
(2) Meat and fish products; and  (3) Perishable foods.  Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds		
48 (3) Perishable foods.  50 Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds	44	(1) Agricultural produce;
48 (3) Perishable foods.  50 Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds		
Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds	46	(2) Meat and fish products; and
Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds	4.0	(2) Devisbable foods
egg processing facility that has over 300,000 laying birds	48	(3) Perishable loods.
egg processing facility that has over 300,000 laying birds	50	Individuals amployed directly or indirectly for or at an
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- Effective September 1, 2003, a driver or driver's helper who is subject to the provisions of 49 United States Code, Section 31502 as amended or to regulations adopted pursuant to that section if the driver or driver's helper is paid overtime pay reasonably equivalent to that required by this section for all hours worked in excess of 40 per week. Department οf Labor may adopt rules governing the determination of payment methods that satisfy the standard equivalent" set forth "reasonably Rules adopted pursuant to this subsection are paragraph. major substantive rules as defined in Title 5, chapter 375, subchapter II-A 2-A;
- I. A driver or driver's helper who is subject to the provisions of 49 United States Code, Section 31502 as amended or to regulations adopted pursuant to that section and who is represented for purposes of collective bargaining by a labor organization certified by the National Labor Relations Board that is a party to a collective bargaining agreement that intends to regulate the rate of pay to be paid the driver or driver's helper; and
- J. A driver or driver's helper who is subject to the provisions of 49 United States Code, Section 31502 as amended or to regulations adopted pursuant to that section and who is employed by an entity that is party to a contract with the Federal Government or an agency of the Federal Government that dictates the minimum hourly rate of pay to be paid the driver or driver's helper.

34 SUMMARY

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This bill conforms Maine overtime laws to those of the federal Fair Labor Standards Act and requires that rules adopted by the Director of Labor Standards within the Department of Labor conform to regulations adopted pursuant to the federal Fair Labor Standards Act, including the "white-collar exemptions" that became effective on August 23, 2004.