

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1711

H.P. 1212

House of Representatives, January 6, 2010

An Act To Clarify the Status of Prisoners

Submitted by the Department of Corrections pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MAGNAN of Stockton Springs.
Cosponsored by Representatives: KNIGHT of Livermore Falls, SCHATZ of Blue Hill,
Senator: DAVIS of Cumberland.

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

2 **Sec. 1. 26 MRSA §663, sub-§3, ¶J**, as amended by PL 2007, c. 22, §2, is further
3 amended to read:

4 J. Members of the family of the employer who reside with and are dependent upon
5 the employer; ~~and~~

6 **Sec. 2. 26 MRSA §663, sub-§3, ¶K**, as amended by PL 2005, c. 255, §1, is
7 further amended to read:

8 K. A salaried employee who works in a bona fide executive, administrative or
9 professional capacity and whose regular compensation, when converted to an annual
10 rate, exceeds 3000 times the State's minimum hourly wage or the annualized rate
11 established by the United States Department of Labor under the federal Fair Labor
12 Standards Act, whichever is higher; ~~and~~

13 **Sec. 3. 26 MRSA §663, sub-§3, ¶L** is enacted to read:

14 L. A person who is a sentenced prisoner in actual execution of a term of
15 incarceration imposed in this State or any other jurisdiction for a criminal offense,
16 except a prisoner who is:

17 (1) Employed by a private employer;

18 (2) Participating in a work release program;

19 (3) Sentenced to imprisonment with intensive supervision under Title 17-A,
20 section 1261;

21 (4) Employed in a program established under a certification issued by the United
22 States Department of Justice under 18 United States Code, Section 1761; or

23 (5) Employed while in a supervised community confinement program pursuant
24 to Title 34-A, section 3036-A.

25 **SUMMARY**

26 This bill includes in the minimum wage laws a provision relating to prisoners similar
27 to that already in the workers' compensation laws, making it clear that prisoners are not
28 considered employees unless they fit within one of the listed categories.