

# MAINE STATE LEGISLATURE

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Date: 2/29/12

L.D. 1685  
(Filing No. H-732)

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1237, L.D. 1685, Bill, "An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers"

Amend the bill in section 3 in paragraph K in the first line (page 1, line 15 in L.D.) by inserting after the following: "who" the following: 'is not paid hourly and'

Amend the bill by adding after section 3 the following:

**Sec. 4. Report.** The director of the wage and hour division within the Department of Labor shall review the impact of this Act on drivers and driver's helpers who are paid by other than an hourly rate and report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2014. The report must include the number of employers who began paying drivers and driver's helpers by a rate other than hourly after the effective date of this Act, the rate of pay, any complaints received by the division with regard to drivers or driver's helpers earning less than the reasonable equivalent of 1 1/2 times the regular hourly rate paid for work over 40 hours in a week and whether this Act has been successful in attracting new employers of drivers and driver's helpers.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Regulation and Enforcement 0159**

Initiative: Provides funds for the costs of Wage and Hour Inspectors to document and report issues related to drivers and driver's helpers who are paid other than by an hourly rate.

**COMMITTEE AMENDMENT**

R. & S.

COMMITTEE AMENDMENT "A" to H.P. 1237, L.D. 1685

1	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
2	Personal Services	\$0	\$10,040
3			
4	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$10,040</u>
5			

**SUMMARY**

7 This amendment maintains the overtime rate of 1 1/2 times the regular hourly rate for  
8 hours worked in excess of 40 hours per week for drivers and driver's helpers who are paid  
9 an hourly rate. The amendment directs the director of the wage and hour division within  
10 the Department of Labor to review the impact of this Act on drivers and driver's helpers  
11 with regard to changes in the method of payment, the rate of pay and whether or not the  
12 change in the standard of pay has attracted new employers and report to the joint standing  
13 committee of the Legislature having jurisdiction over labor matters by January 15, 2014.  
14 The amendment also adds an appropriations and allocations section to the bill.

**FISCAL NOTE REQUIRED**

**(See attached)**

**COMMITTEE AMENDMENT**



Approved: 02/23/12 *MCC*

# 125th MAINE LEGISLATURE

LD 1685

LR 2659(02)

## An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-732)  
Committee: Labor, Commerce, Research and Economic Development  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$10,040	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$10,040	\$0	\$0

#### Fiscal Detail and Notes

This bill includes a one-time General Fund appropriation of \$10,040 in fiscal year 2012-13 to the Regulation and Enforcement program within the Department of Labor for the overtime costs associated with documenting and reporting issues related to drivers and driver's helpers who are paid other than by an hourly rate. According to officials at the Department of Labor, the Wage and Hour Division is understaffed for its current workload and additional duties will require staff to work beyond a 40 hour week.