

MAINE STATE LEGISLATURE

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Date: 10/14/19

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LABOR AND HOUSING

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STATE OF MAINE

SENATE

129TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 618, L.D. 1828, Bill, "An Act To Amend the Laws Governing Overtime"

Amend the bill in section 3 by striking out all of paragraph L (page 2, lines 1 to 5 in L.D.) and inserting the following:

L. Public employees employed by the executive or judicial branch of the State engaged in fire protection activities, as defined in the federal Fair Labor Standards Act, 29 United States Code, Section 203(y), or in law enforcement activities, as defined in 29 Code of Federal Regulations, Section 553.211, and who are eligible to have overtime pay calculated and paid in accordance with 29 United States Code, Section 207(k).

This paragraph may not be construed to limit the rights of parties to negotiate an agreement that provides for payment of overtime that exceeds the requirements of 29 United States Code, Section 207(k).'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment clarifies the bill regarding the exemption from certain state overtime pay requirements of executive branch and judicial branch employees engaged in fire protection activities and law enforcement activities by specifying that those employees are not entitled to overtime for working more than 40 hours in any one week only if those employees are eligible to have overtime pay calculated and paid in accordance with the standards set forth under the specified federal law. It also provides that parties are not prohibited from negotiating an agreement that provides for the payment of overtime pay that exceeds federal law.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



129th MAINE LEGISLATURE

LD 1828

LR 2493(02)

An Act To Amend the Laws Governing Overtime

Fiscal Note for Bill as Amended by Committee Amendment "A" (3-240)
Committee: Labor and Housing
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium savings - All Funds

Fiscal Detail and Notes

The bill excludes executive branch and judicial branch employees engaged in fire protection and law enforcement activities from state laws pertaining to payment of overtime only if they are eligible to have overtime pay calculated and paid in accordance with the standards set forth in federal law. It also allows parties to negotiate an agreement allowing them to receive overtime that exceeds the requirements of federal law. To the extent that a group of affected employees chooses not to negotiate such an agreement or are unable to, savings could be realized. An estimate of the potential savings cannot be determined at this time.