

MAINE STATE LEGISLATURE

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L.D. 1022

Date: 6-15-21

(Filing No. H-659)

MAJORITY
LABOR AND HOUSING

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 760, L.D. 1022, "An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws"

Amend the bill by inserting after section 4 the following:

'Sec. 5. 26 MRSA §664, sub-§3-A is enacted to read:

3-A. Overtime rate for individuals employed in agriculture. Notwithstanding any provision of subsection 3 to the contrary, an employer may not require an individual employed in agriculture as defined in the Employment Security Law and the Federal Unemployment Tax Act and an individual employed in certain activities related to agriculture to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 40 hours in that week as provided in this subsection. The regular hourly rate includes all earnings, bonuses, commissions and other compensation that is paid or due based on actual work performed and does not include any sums excluded from the definition of "regular rate" under the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 207(e).

A. Beginning January 1, 2022, an individual employed in agriculture or an individual employed in certain activities related to agriculture may not be required by an employer to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 50 hours in that week.

B. Beginning January 1, 2023, an individual employed in agriculture or an individual employed in certain activities related to agriculture may not be required by an employer to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 45 hours in that week.

C. Beginning January 1, 2024, an individual employed in agriculture or an individual employed in certain activities related to agriculture may not be required by an employer to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 40 hours in that week.

For the purposes of this subsection, "an individual employed in certain activities related to agriculture" means the canning; processing; preserving; freezing; drying; marketing;

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1 storing; packing for shipment; or distributing of: agricultural produce; meat and fish
2 products; and perishable foods.

3 **Sec. 6. Appropriations and allocations.** The following appropriations and
4 allocations are made.

5 **LABOR, DEPARTMENT OF**

6 **Regulation and Enforcement 0159**

7 Initiative: Provides ongoing funds for 2 Labor and Safety Inspector positions and related
8 All Other costs to enforce the minimum wage and overtime protections for agricultural and
9 seasonal employees effective January 1, 2022.

10	GENERAL FUND	2021-22	2022-23
11	POSITIONS - LEGISLATIVE COUNT	2,000	2,000
12	Personal Services	\$84,797	\$175,335
13	All Other	\$8,382	\$10,578
14			
15	GENERAL FUND TOTAL	<u>\$93,179</u>	<u>\$185,913</u>

16

17 **Sec. 7. Effective date.** This Act takes effect January 1, 2022.'

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

20

SUMMARY

21 This amendment, which is the majority report of the committee, phases in overtime pay
22 for individuals employed in agriculture and certain activities related to agriculture. It also
23 adds an appropriations and allocations section.

24

FISCAL NOTE REQUIRED

25

(See attached)



130th MAINE LEGISLATURE

LD 1022

LR 946(02)

An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws

Fiscal Note for Bill as Amended by Committee Amendment *(CH-659)*

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$93,179	\$185,913	\$191,523	\$197,314
Appropriations/Allocations				
General Fund	\$93,179	\$185,913	\$191,523	\$197,314

Fiscal Detail and Notes

This bill includes ongoing General Fund appropriations of \$93,179 in fiscal year 2021-22 and \$185,913 in fiscal year 2022-23 to the Regulation and Enforcement program within the Department of Labor for 2 Labor and Safety Inspector positions and related All Other costs to enforce the minimum wage and overtime protections for agricultural and seasonal employees. This fiscal note assumes a January 1, 2022 effective date.