

MAINE STATE LEGISLATURE

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GAZ
ROS

LD 1190

Date 6/20/23

(Filing No S-377)

MAJORITY

LABOR AND HOUSING

Reproduced and distributed under the direction of the Secretary of the Senate

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 486, L D 1190, "An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules"

Amend the bill by striking out the title and substituting the following

'An Act to Require Minimum Pay for Reporting to Work'

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 26 MRSA §626-A, first ¶, as amended by PL 2021, c 404, §2, is further amended to read

Whoever violates any of the provisions of section 600-A, sections 621-A to 623 or section 626, 628, 628-A, 629 or 629-B or 639-A is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation

Sec. 2. 26 MRSA §639-A is enacted to read

§639-A. Minimum pay for reporting to work

1. Definitions As used in this section, unless the context otherwise indicates, the following terms have the following meanings

A "Employee" has the same meaning as in section 663, subsection 3, but does not include an individual employed in a seasonal industry as defined in section 1251, subsection 1.

B "Employer" means an employer, as defined in section 1043, subsection 9, that employs at least 10 employees in the usual and regular course of business for more than 120 days in any calendar year "Employer" does not include a public employer as defined in section 626

2. Pay for reporting to work. On any day an employee reports to work at the request of an employer and the employer cancels or reduces the number of hours in an employee's scheduled shift, the employee must be paid the lesser of

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1 A Two hours of pay at the employee's regular hourly rate of pay, and
 2 B The total pay for the shift for which the employee was initially scheduled
 3 3. Notice. An employer that makes a documented good faith effort to notify an
 4 employee not to report to work is not liable to pay wages under subsection 2. If the
 5 employee reports to work after the employer's attempt to notify the employee has been
 6 unsuccessful or if the employer is prevented from making notification for any reason, the
 7 employee shall perform whatever duties are assigned by the employer at the time the
 8 employee reports to work, as long as the employee is physically able to perform those
 9 duties

10 4 Exception. The provisions of this section do not apply if an employee is not required
 11 to work or is unable to work due to

- 12 A Adverse weather conditions,
- 13 B A natural disaster or civil emergency,
- 14 C An illness or medical condition of the employee, or
- 15 D A workplace injury of the employee

16 5. Rules. The Department of Labor may adopt rules to implement and enforce the
 17 provisions of this section. Rules adopted pursuant to this subsection are routine technical
 18 rules as defined in Title 5, chapter 375, subchapter 2-A.

19 **Sec. 3. Appropriations and allocations.** The following appropriations and
 20 allocations are made

21 **LABOR, DEPARTMENT OF**

22 **Regulation and Enforcement 0159**

23 Initiative Provides ongoing funds for one half-time Labor and Safety Inspector position
 24 and related All Other costs to support the anticipated increase in workload to ensure
 25 compliance with wage and hour regulations

26 GENERAL FUND	2023-24	2024-25
27 POSITIONS - LEGISLATIVE COUNT	0 500	0 500
28 Personal Services	\$33,504	\$46,904
29 All Other	\$4,252	\$5,669
30		
31 GENERAL FUND TOTAL	\$37,756	\$52,573

32
 33 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 34 number to read consecutively

35 **SUMMARY**

36 This amendment is the majority report of the committee. It replaces the bill and changes
 37 the title. It provides that on any day an employee reports to work at the request of an
 38 employer and the employer cancels or reduces the number of hours in an employee's
 39 scheduled shift, the employee must be paid the lesser of 2 hours of pay at the employee's
 40 regular hourly rate of pay or the total pay for the shift for which the employee was

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1 scheduled An employer that makes a documented good faith effort to notify an employee
2 not to report to work is not liable to pay wages If the employee reports to work after the
3 employer's attempt to notify the employee has been unsuccessful or if the employer is
4 prevented from making notification for any reason, the employee must perform whatever
5 duties are assigned by the employer at the time the employee reports to work The
6 provision does not apply when an employee is not required to work due to adverse weather
7 conditions, a natural disaster, a civil emergency, an illness or medical condition of the
8 employee or a workplace injury of the employee The amendment does not apply to public
9 employers or certain seasonal employers This amendment applies to employers who
10 employ at least 10 employees in the usual and regular course of business for more than 120
11 days in any calendar year

12 **FISCAL NOTE REQUIRED**

13 (See attached)

COMMITTEE AMENDMENT



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LR 1989(02)

An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-37D)

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$37,756	\$52,573	\$54,262	\$56,011
Appropriations/Allocations				
General Fund	\$37,756	\$52,573	\$54,262	\$56,011

Correctional and Judicial Impact Statements

Establishes new civil forfeitures and may increase the number of civil suits filed in the court system
 The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time
 The collection of additional fines will increase General Fund or other dedicated revenue by minor amounts

Fiscal Detail and Notes

This bill includes ongoing General Fund appropriations of \$37,756 in fiscal year 2023-24 and \$52,573 in fiscal year 2024-25 to the Regulation and Enforcement program within the Department of Labor for one half-time Labor and Safety Inspector position and related All Other costs to support the anticipated increase in workload to ensure compliance with wage and hour regulations This fiscal note assumes an October 1, 2023 effective date