

# MAINE STATE LEGISLATURE

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Date 6/20/23

(Filing No S-378)

MINORITY

LABOR AND HOUSING

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" 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, or public employer, as defined in section 626, that employs at least 25 employees in the usual and regular course of business for more than 120 days in any calendar year

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 shift, the employee must be paid the lesser of

A Two hours of pay at the employee's regular hourly rate of pay, and

COMMITTEE AMENDMENT

1 B The total pay for the shift for which the employee was initially scheduled

2 3. Notice. An employer that makes a documented good faith effort to notify an  
3 employee not to report to work is not liable to pay wages under subsection 2. If the  
4 employee reports to work after the employer's attempt to notify the employee has been  
5 unsuccessful or if the employer is prevented from making notification for any reason, the  
6 employee shall perform whatever duties are assigned by the employer at the time the  
7 employee reports to work, as long as the employee is physically able to perform those  
8 duties.

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

11 A Adverse weather conditions,

12 B A natural disaster or civil emergency,

13 C An illness or medical condition of the employee, or

14 D A workplace injury of the employee

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

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

20 **LABOR, DEPARTMENT OF**

21 **Regulation and Enforcement 0159**

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

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

31  
32 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
33 number to read consecutively

34 **SUMMARY**

35 This amendment is the minority report of the committee. It replaces the bill and  
36 changes the title. It provides that on any day an employee reports to work at the request of  
37 an employer and the employer cancels or reduces the number of hours in an employee's  
38 shift, the employee must be paid the lesser of 2 hours of pay at the employee's regular  
39 hourly rate of pay, or the total pay for the shift for which the employee was scheduled. An  
40 employer that makes a documented good faith effort to notify an employee not to report to

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COMMITTEE AMENDMENT "B" to S P 486, L D 1190

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work is not liable to pay wages If the employee reports to work after the employer's attempt to notify the employee has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work The provision does not apply when an employee is not required to work due to adverse weather conditions, a natural disaster, a civil emergency, an illness or medical condition of the employee or a workplace injury of the employee The amendment applies to public employers but not to certain seasonal employers This amendment applies to employers who employ at least 25 employees in the usual and regular course of business for more than 120 days in any calendar year

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



# 131st MAINE LEGISLATURE

LD 1190

LR 1989(03)

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

Fiscal Note for Bill as Amended by Committee Amendment "B" (S-378)  
 Committee: Labor and Housing  
 Fiscal Note Required: Yes

### Fiscal Note

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