

MAINE STATE LEGISLATURE

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Date: 4/9/24

REPORT A

LABOR AND HOUSING

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

STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 719, L.D. 1794, "An Act to Enhance the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees"

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

'Resolve, to Establish the Commission on Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Commission established. Resolved: That the Commission on Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees, referred to in this resolve as "the commission," is established to examine the current levels of mandatory overtime at pulp or paper manufacturing facilities in the State with 50 or more employees and the impact of the use of mandatory overtime on workplace and public safety, employee morale and the ability of pulp or paper manufacturing facilities to hire employees; to seek public and expert input on solutions to any problems identified; and to make recommendations for solutions, including suggested legislation, to address the increased use of mandatory overtime and loss of time off that may be undermining workplace and public safety, morale and the ability to hire employees.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 15 members as follows:

1. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest number of seats in the Legislature and 2 members of the party holding the 2nd largest number of seats in the Legislature;

2. Four members of the House of Representatives, appointed by the Speaker of the House, including 2 members of the party holding the largest number of seats in the Legislature and 2 members of the party holding the 2nd largest number of seats in the Legislature;

3. Two members representing the interests of pulp or paper manufacturing facility employees, appointed by the President of the Senate;

COMMITTEE AMENDMENT

1 4. One member who is experienced in labor relations issues, appointed by the President
2 of the Senate;

3 5. Two members representing the interests of pulp or paper manufacturing facility
4 companies, appointed by the Speaker of the House;

5 6. One member who is experienced in issues of occupational health, appointed by the
6 Speaker of the House; and

7 7. The Director of Labor Standards within the Department of Labor, or the director's
8 designee.

9 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
10 and the first-named House of Representatives member is the House chair of the
11 commission.

12 **Sec. 4. Appointments; convening of commission. Resolved:** That all
13 appointments must be made no later than 30 days following the effective date of this
14 resolve. The appointing authorities shall notify the Executive Director of the Legislative
15 Council once all appointments have been completed. After appointment of all members,
16 the chairs shall call and convene the first meeting of the commission. If 30 days or more
17 after the effective date of this resolve a majority of but not all appointments have been
18 made, the chairs may request authority and the Legislative Council may grant authority for
19 the commission to meet and conduct its business.

20 **Sec. 5. Duties. Resolved:** That the commission shall examine the following:

21 1. The employment conditions of pulp or paper manufacturing facility employees,
22 including mandated overtime;

23 2. The amount of overtime hours worked for years 2021, 2022 and 2023 and the first
24 half of 2024 at pulp or paper manufacturing facilities in the State with 50 or more
25 employees;

26 3. The amount of overtime worked that has been voluntary and the amount that has
27 been mandated at pulp or paper manufacturing facilities in the State with 50 or more
28 employees, broken down by department;

29 4. The amount of overtime worked that involved employees being "inverted," or
30 mandated to report to work on holidays, vacation days or scheduled days off;

31 5. A staffing level report on what level of staffing is required to effectively run
32 operations at pulp or paper manufacturing facilities in the State with 50 or more employees
33 that analyzes how many employees may be on vacation, holidays, disability leave, medical
34 leave and approved time off without negatively affecting operations;

35 6. Current employee policies at pulp or paper manufacturing facilities in the State with
36 50 or more employees that:

37 A. Ensure workplace and public safety when employees are working 18 to 24
38 consecutive hours due to mandatory overtime;

39 B. Limit the amount of mandatory overtime that employees are required to work;

40 C. Allow for employees to communicate whether they want to voluntarily work
41 overtime hours; and

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D. Govern how and when employees are notified that the employee will be mandated to work overtime or that the employee will be asked to voluntarily accept overtime hours; and

7. Recommendations for solutions, including suggested legislation, to address the increased use of mandatory overtime and loss of time off that may be undermining workplace and public safety, employee morale and the ability for pulp or paper manufacturing facilities to hire employees.

The commission may hold up to 2 public hearings to seek input on these issues.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than November 6, 2024, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters. The committee may report out a bill related to the report to the 132nd Legislature in 2025.'

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

SUMMARY

This amendment replaces the bill with a resolve. The amendment establishes the Commission on Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees to examine the current levels of mandatory overtime at pulp or paper manufacturing facilities in the State with 50 or more employees. The duties of the commission include examining the impact of the use of mandatory overtime on workplace and public safety, employee morale and the ability of pulp or paper manufacturing facilities to hire employees. The commission may submit recommendations, including any suggested legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters. The committee may report out a bill related to the report to the 132nd Legislature in 2025.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1794

LR 756(02)

An Act to Enhance the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees

Fiscal Note for Bill as Amended by Committee Amendment *"A"(S670)*

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$5,850 in fiscal year 2024-25. The Legislature's budget for the 2024-2025 biennium includes \$14,500 in each of fiscal years 2023-24 and 2024-25 for the costs of legislative studies, as well as \$38,909 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

Additional costs to the Bureau of Labor Standards within the Department of Labor associated with serving on the commission can be absorbed within existing budgeted resources.