

MAINE STATE LEGISLATURE

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Date: 3/15/24

MINORITY

L.D. 2149

(Filing No. H-829)

LABOR AND HOUSING

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1373, L.D. 2149, "An Act to Exempt Seasonal Volunteer Ski Patrollers and Seasonal Volunteer Ski Ambassadors and Hosts at Ski Areas from the Minimum Wage Laws"

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

'An Act to Exempt Seasonal Volunteer Ski Patrollers and Seasonal Volunteer Ski Ambassadors or Hosts at Ski Areas from Certain Labor Laws'

Amend the bill by inserting before section 1 the following:

'Sec. 1. 26 MRSA §591, as amended by PL 2011, c. 643, §§3 and 4 and affected by §14, is further amended to read:

§591. Examination; definitions Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings:

1. **Employee.** "Employee" means every person who may be permitted, required or directed by any employer in consideration of direct or indirect gain or profit, to engage in any employment; "Employee" does not include a person who is a seasonal volunteer ski patroller or a seasonal volunteer ski ambassador or host at a ski area.

2. **Employer.** "Employer" means an individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy and any common carrier by rail, motor, water, air or express company doing business in or operating within the State; ~~and,~~

3. **Independent contractor.** "Independent contractor" means an individual who qualifies as an independent contractor under section 1043, subsection 11, paragraph E.

4. **Seasonal volunteer ski ambassador or host at ski area.** "Seasonal volunteer ski ambassador or host at a ski area" means an individual who performs welcoming and guest relation services at a ski area that are not essential to the functional operations of a ski area or who provides assistance to seasonal volunteer ski patrollers and has an entry-level first aid credential from a membership association specializing in ski patrol that is exempt from

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1 federal taxation under Section 501(c)(3) of the United States Internal Revenue Code of
2 1986.

3 5. Seasonal volunteer ski patroller. "Seasonal volunteer ski patroller" means an
4 individual who obtains and maintains through the ski season a credential upon completion
5 of an emergency medical responder course offered through a membership association
6 specializing in ski patrol that is exempt from federal taxation under Section 501(c)(3) of
7 the United States Internal Revenue Code of 1986 or another credential that is similar or
8 more advanced, such as a license as an emergency medical services person pursuant to Title
9 32, chapter 2-B.'

10 Amend the bill in section 3 in paragraph M in the last line (page 1, line 15 in L.D.) by
11 striking out the following: "ambassador" and inserting the following: 'ski ambassador'

12 Amend the bill by inserting after section 3 the following:

13 'Sec. 4. 26 MRSA §663, sub-§16 is enacted to read:

14 16. Seasonal volunteer ski ambassador or host at ski area. "Seasonal volunteer ski
15 ambassador or host at a ski area" means an individual who performs welcoming and guest
16 relation services at a ski area that are not essential to the functional operations of a ski area
17 or who provides assistance to seasonal volunteer ski patrollers and has an entry-level first
18 aid credential from a membership association specializing in ski patrol that is exempt from
19 federal taxation under Section 501(c)(3) of the United States Internal Revenue Code of
20 1986.

21 Sec. 5. 26 MRSA §663, sub-§17 is enacted to read:

22 17. Seasonal volunteer ski patroller. "Seasonal volunteer ski patroller" means an
23 individual who obtains and maintains through the ski season a credential upon completion
24 of an emergency medical responder course offered through a membership association
25 specializing in ski patrol that is exempt from federal taxation under Section 501(c)(3) of
26 the United States Internal Revenue Code of 1986 or another credential that is similar or
27 more advanced, such as a license as an emergency medical services person pursuant to Title
28 32, chapter 2-B.'

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

31 **SUMMARY**

32 This amendment is the minority report of the committee. The amendment clarifies the
33 provisions concerning certain labor laws to specify that an employee does not include a
34 person who is a seasonal volunteer ski patroller or a seasonal volunteer ski ambassador or
35 host at a ski area. It also adds definitions for "seasonal volunteer ski ambassador or host at
36 a ski area" and "seasonal volunteer ski patroller."

COMMITTEE AMENDMENT