

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR

MAY 1998

MEMBERS:

Sen. Mary R. Cathcart, Chair

Sen. Sharon Anglin Treat

Sen. S. Peter Mills

Rep. Pamela H. Hatch, Chair

Rep. Roland B. Samson

Rep. Brian Bolduc

Rep. Joseph E. Clark

Rep. Benjamin L. Rines, Jr.

Rep. Stephen S. Stanley

Rep. Henry L. Joy

Rep. Steven M. Joyce

Rep. Robert E. Pendleton, Jr.

Rep. Russell P. Treadwell

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*.....Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*.....House & Senate disagree; bill died
- DIED IN CONCURRENCE*.....One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*.....Action incomplete when session ended; bill died
- EMERGENCY*.....Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*.....Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*.....Bill imposing local mandate failed to get 2/3 vote
- INDEF PP*.....Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*.....Bill held by Governor
- VETO SUSTAINED*.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM MAJ ONTP MIN	S-518 S-627 CLEVELAND S-731 MICHAUD

LD 2116 proposed to prohibit an employer from requiring an employee to work more than 32 hours of overtime in a calendar week or to work overtime on more than 6 days in a calendar week. The bill proposed to define “employee” to exclude seasonal employees, and it proposed to define “overtime” as anything over eight hours in a day or 40 hours in a calendar week.

Committee Amendment "A" (S-518) was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill. The amendment proposed to prohibit an employer from requiring an employee to work more than 96 hours of overtime in any consecutive three-week period. The amendment proposed to define "overtime" as anything over 40 hours in a calendar week. The amendment proposed to create exceptions for work performed in response to a declared emergency, employees who perform essential services for the public, employees whose work is necessary for the public health or safety and individuals exempt from the definition of employee in Maine Revised Statutes, Title 26, section 663, which includes employees of seasonal employers. The amendment also proposed to add an appropriation and a fiscal note to the bill.

Senate Amendment "B" to Committee Amendment "A" (S-627) proposed to exclude employees of seasonal employers from the limitation on mandatory overtime. The amendment proposed to define “seasonal employer” as an employer in an industry that operates in a regularly recurring period or periods of less than 26 weeks in a calendar year.

The amendment also proposed to provide temporary relief from the mandatory overtime limit in emergency situations by allowing an employer to apply to the Commissioner of Labor for an emergency waiver. The amendment proposed to permit the commissioner to grant the waiver if unforeseen or uncontrollable events occurred that, without the waiver, would result in significant adverse harm to the employer's business and if the commissioner determined that the waiver was not sought to abuse the limits on mandatory overtime. The amendment proposed to require the commissioner to determine the duration of the waiver, up to a maximum of three weeks. The amendment proposed to require the commissioner to send a written notice of the waiver, including findings of fact and the dates for which the waiver is in effect, to an employer whose waiver has been granted. The amendment also proposed to require the employer to immediately post the notice in the same place and manner as other employment-related notices are required to be posted.

Senate Amendment "C" to Committee Amendment "A" (S-731) proposed to strike the General Fund appropriation for the Department of Labor.