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Date: (Filing No. H- )

**LABOR AND HOUSING**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 760, L.D. 1022, “An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws”

Amend the bill by inserting after section 4 the following:

**'Sec. 5. 26 MRSA §664, sub-§3-A** is enacted to read:

**3-A. Overtime rate for individuals employed in agriculture.** Notwithstanding any provision of subsection 3 to the contrary, an employer may not require an individual employed in agriculture as defined in the Employment Security Law and the Federal Unemployment Tax Act and an individual employed in certain activities related to agriculture to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 40 hours in that week as provided in this subsection. The regular hourly rate includes all earnings, bonuses, commissions and other compensation that is paid or due based on actual work performed and does not include any sums excluded from the definition of "regular rate" under the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 207(e).

A. Beginning January 1, 2022, an individual employed in agriculture or an individual employed in certain activities related to agriculture may not be required by an employer to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 50 hours in that week.

B. Beginning January 1, 2023, an individual employed in agriculture or an individual employed in certain activities related to agriculture may not be required by an employer to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 45 hours in that week.

C. Beginning January 1, 2024, an individual employed in agriculture or an individual employed in certain activities related to agriculture may not be required by an employer to work more than 40 hours in any one week unless 1 1/2 times the regular hourly rate is paid for all hours actually worked in excess of 40 hours in that week.

For the purposes of this subsection, “an individual employed in certain activities related to agriculture” means the canning; processing; preserving; freezing; drying; marketing;

**COMMITTEE AMENDMENT**

1 storing; packing for shipment; or distributing of: agricultural produce; meat and fish  
2 products; and perishable foods.

3 **Sec. 6. Appropriations and allocations.** The following appropriations and  
4 allocations are made.

5 **LABOR, DEPARTMENT OF**

6 **Regulation and Enforcement 0159**

7 Initiative: Provides ongoing funds for 2 Labor and Safety Inspector positions and related  
8 All Other costs to enforce the minimum wage and overtime protections for agricultural and  
9 seasonal employees effective January 1, 2022.

10 <b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
11 POSITIONS - LEGISLATIVE COUNT	2,000	2,000
12 Personal Services	\$84,797	\$175,335
13 All Other	\$8,382	\$10,578
14		
15 GENERAL FUND TOTAL	<u>\$93,179</u>	<u>\$185,913</u>

16

17 **Sec. 7. Effective date.** This Act takes effect January 1, 2022.'

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

20

**SUMMARY**

21 This amendment, which is the majority report of the committee, phases in overtime pay  
22 for individuals employed in agriculture and certain activities related to agriculture. It also  
23 adds an appropriations and allocations section.

24

**FISCAL NOTE REQUIRED**

25

**(See attached)**