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Theatre Owners of New England

Opposition to LD 1190 “An Act To Ensure A Fair Work Week By Requiring Notice of Work Schedules”

Senator Tipping, Representative Roeder and members of the Committee on Labor and Housing, on behalf of Theatre Owners of New England (TONE), an association representing Movie Theatres throughout Maine, we respectfully submit these written comments in opposition of LD 1190. Our concern is that the bill requires a work schedule be provided to all employees “at least 7 calendar days before the first day of the work schedule”. Our opposition is based on the following concerns:

- The motion picture business is unique and unpredictable. Film bookings can vary drastically from week to week, and attendance can fluctuate based on public reaction and news. We respectfully submit that movie theatres should be exempt from this proposed legislation.
- Movie theatre work schedules are dependent on film availability, film running times, and attendance. Theatre managers do not have a 7 day advance notice on what will be playing in their theatres. Final booking of films to hold-over or open on a Friday, are only confirmed on a Monday or Tuesday following the prior weekend, and even then it is unknown how much attendance a new film may generate.
- Even if analysts predict huge attendance at some “blockbusters”, or low attendance at “sleepers”, they are often way off the mark and staffing levels may need to be adjusted to handle the crowds or lack thereof. Either way, the schedule for the following week would have to be adjusted in order to staff appropriately.
- The majority of theatre employees are not head of household employees working to support a household. Rather they are part-time employees, working to earn discretionary funds.
- Theatre employees are primarily students in their first jobs or senior citizens that have actually sought to work in a business with flexibility, and work between 12-20 hours per week. For students in particular, working in a motion picture theatre is attractive because of the flexibility allowed in scheduling to accommodate their changing coursework, school and social activities. While theatre managers work with employees to accommodate their schedules, employees also understand the need to work flexible schedules to accommodate varying attendance levels once the films are booked in the theatres.
- The 7 day advance scheduling window would also make it impossible to offer expanded work shifts for unanticipated events, such as when the theatre is requested to add a last minute showing for a community or school group. This is a frequent occurrence for theatres that accommodate special events and birthday parties outside their normal operating hours.

- With schedule changes inevitable in an unpredictable business, record keeping complying with this regulation would be cumbersome and time-consuming, taking employees away from serving our guests.
- Because theatres pay the lion's share of their box office income to film distributors, theatres already operate on slim margins. Adding the unavoidable penalty of "predictability pay" created in this proposed legislation may force some marginal theatres to close.

It is for these reasons that we urge you to consider not only the impact this legislation would have on Maine movie theatres, but also the negative impact to their employees who desire and may need a flexible schedule. Please vote no on LD 1190.

Respectfully Submitted,

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