

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

Minority Report of the same Committee reporting "**Ought to Pass**" on same Bill.

Signed:

Representatives: UNDERWOOD of Oxford
GOODWIN of Pembroke

Was read.

On motion of Representative PAUL of Sanford, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-155) on Bill "An Act to Require Overtime Pay for Employees of Large Agricultural Employers" (H.P. 283) (L.D. 347)

Signed:

Senators: CATHCART of Penobscot
MILLS of Somerset
TREAT of Kennebec

Representatives: HATCH of Skowhegan
SAMSON of Jay
CLARK of Millinocket
RINES of Wiscasset
STANLEY of Medway
BOLDUC of Auburn

Minority Report of the same Committee reporting "**Ought Not to Pass**" on same Bill.

Signed:

Representatives: JOY of Crystal
PENDLETON of Scarborough
TREADWELL of Carmel

Was read.

Representative HATCH of Skowhegan moved that the House accept the Majority "**Ought to Pass**" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. The original bill that came out could have, in fact, affected more employees than was intended by the sponsor of this bill. That is why the amendment is on this bill. At the hearing we had a lot of proponents and the intent of the bill as amended is to require that overtime be paid to all employees at large egg processing facilities. The reason for that is, as you might have noted, we have had conversations in regards to this. Some employees were being treated very badly and were being forced to work long hours in excess of 40, whether they wanted to work or not was not an option if they valued their job, is what we heard. I have here a payroll stub on one worker. In the first week 82 hours. In the next week 93.25 hours. The following week 102.25 hours. The following week 100.75 hours, 109.75 hours, 119.75, 119.50 hours. He missed one week of work. If you figured that out, most of these agricultural workers in this plant worked six days a week. If you figure out 119.50 hours in one week and figure out how many hours this person had to work.

The opponents on this bill, there were only two. Most of it was opposition to the original bill. The bill has been worked through the departments of Labor and Human Services. One person opposed this bill on the principle that one business should not be singled out, when, in fact, there are two other producers who also would be affected by this bill. They came forward and said they did not mind because they do treat their employees fairly. They furnish benefits and most of them do not work in excess of 40 hours. The bill removes the exemption from

overtime pay requirements for individuals employed in an egg processing facility that has over 300,000 laying birds. That is pretty specific, I would say. The fiscal note on this is there would be a slight appropriation of \$39,000 in the first year and \$41,000 in the second year for an additional labor and safety inspector plus operating costs for enforcement. I would ask you to support this bill. It is timely and is desperately needed. I would appreciate your support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Fellow Members of the House. I am in opposition to this bill, at this time, because I feel that the Department of Labor already has the mechanisms to enforce overtime wages and they haven't been doing it. We should be directing our activities at them, not at individual employers. I feel that there are a lot of unintended circumstances in this bill. If we go through with it, it will affect agricultural employment in this state. As you all know, agricultural employment in this state is very important. I feel that the Department of Labor should be the one bearing the brunt of this. I know it was brought on by one employer and one employer only. If the Department of Labor was enforcing the rules at that one employment site, we would not have had this before us today. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I rise to support Representative Pendleton's position on this matter. Again, we are being asked to bail out the Department of Labor because they failed to do the job that goes along with their responsibility. Any time that you pass a bill aimed directly at one employer or one individual there are always some spillover affects which are going to haunt us down the road. I urge you to oppose this pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Nickerson.

Representative NICKERSON: Madam Speaker, Ladies and Gentlemen of the House. I would advise you to defeat this and get on with our other business. I live a half a mile from Decoster Egg Farm. The people that are going to hurt on this bill are the Hispanics. If they are not allowed to work any overtime, they are going to hurt. Right now they are working 60 or 80 hours a week and that is the only way that they can make their car payments. They all drive new cars that are better than you and I drive. I don't know what is going to happen to them if you pass this bill and cut them back to a 40 hour week. They are not going to get much overtime up there if this bill passes. They will just hire more people, that is all. Hopefully, they will be natives of the towns. We could use some more business around there. The Mexicans are getting along very good there if we would just leave them alone. They are content. You have had about one or two maybe or six at the most complaining. The rest of them are very good workers and they are doing a fine job there. I say if we leave them alone and get off their backs and get on Decosters back then everything will settle out and be doing good there. Thank you.

On motion of Representative TREADWELL of Carmel, tabled pending the motion of Representative HATCH of Skowhegan to accept the Majority "**Ought to Pass**" as amended Report and specially assigned for Tuesday, April 8, 1997.

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-150) on