

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 282 - L.D. 598

An Act to Require Minimum Pay for Reporting to Work

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §626-A, first ¶, as amended by PL 2021, c. 404, §2, is further amended to read:

Whoever violates any of the provisions of section 600-A, sections 621-A to 623 or section 626, 628, 628-A, 629 or 629-B or 639-A is subject to a ~~forfeiture~~ fine of not less than \$100 nor more than \$500 for each violation.

Sec. 2. 26 MRSA §639-A is enacted to read:

§639-A. Minimum pay for reporting to work

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employee" has the same meaning as in section 663, subsection 3, but does not include an individual employed in a seasonal industry as defined in section 1251, subsection 1 or an employee of a public employer, as defined in section 626, who is covered by a collective bargaining agreement.

B. "Employer" means an employer, as defined in section 1043, subsection 9, that employs at least 10 employees in the usual and regular course of business for more than 120 days in a calendar year.

2. Pay for reporting to work. On any day an employee reports to work at the request of an employer and the employer cancels or reduces the number of hours in an employee's scheduled shift, the employee must be paid the lesser of:

A. Two hours of pay at the employee's regular hourly rate of pay; and

B. The total pay for the shift for which the employee was initially scheduled.

3. Notice. An employer that makes a documented good faith effort to notify an employee not to report to work is not liable to pay wages under subsection 2. If the employee reports to work after the employer's attempt to notify the employee has been unsuccessful or if the employer is prevented from making notification for any reason, the

employee shall perform whatever duties are assigned by the employer at the time the employee reports to work, as long as the employee is physically able to perform those duties. If the employer does not have any duties to assign to the employee, the employer shall pay the employee the wages under subsection 2.

4. Exception. The provisions of this section do not apply if an employee is not required to work or is unable to work due to:

- A. Adverse weather conditions;
- B. A natural disaster or civil emergency;
- C. An illness or medical condition of the employee; or
- D. A workplace injury of the employee.

5. Rules. The Department of Labor may adopt rules to implement and enforce the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.