

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Clarify the Status of Prisoners**

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

**Sec. 1. 26 MRSA §663, sub-§3, ¶J**, as amended by PL 2007, c. 22, §2, is further amended to read:

J. Members of the family of the employer who reside with and are dependent upon the employer; **and**

**Sec. 2. 26 MRSA §663, sub-§3, ¶K**, as amended by PL 2005, c. 255, §1, is further amended to read:

K. A salaried employee who works in a bona fide executive, administrative or professional capacity and whose regular compensation, when converted to an annual rate, exceeds 3000 times the State's minimum hourly wage or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher; and

**Sec. 3. 26 MRSA §663, sub-§3, ¶L** is enacted to read:

L. A person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except a prisoner who is:

(1) Employed by a private employer;

(2) Participating in a work release program;

(3) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261;

(4) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761; or

(5) Employed while in a supervised community confinement program pursuant to Title 34-A, section 3036-A.

## **SUMMARY**

This bill includes in the minimum wage laws a provision relating to prisoners similar to that already in the workers' compensation laws, making it clear that prisoners are not considered employees unless they fit within one of the listed categories.