

Date:

(Filing No. H-)

LABOR

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 421, L.D. 653, “An Act to Allow Teachers to Qualify for Overtime Pay”

Amend the bill in section 1 in paragraph K in the last line (page 1, line 10 in L.D.) by inserting after the following: "teacher" the following: 'by a school administrative unit or by the executive branch of the State'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 26 MRSA §664, sub-§3, ¶D, as amended by PL 2003, c. 423, §1 and affected by §5, is further amended to read:

D. Public employees, except those employed by the executive or judicial branch of the State and teachers employed by a school administrative unit or by the executive branch of the State;

Sec. 3. 26 MRSA §664, sub-§4, as enacted by PL 2003, c. 423, §2 and affected by §5, is amended to read:

4. Compensatory time. To the extent permitted under the federal Fair Labor Standards Act of 1938, as amended, 29 United States Code, Section 207(o), the overtime pay requirement applicable to executive or judicial employees as described in subsection 3, paragraph D may be met through compensatory time agreements. This subsection does not apply to teachers employed by a school administrative unit or by the executive branch of the State.

Sec. 4. 26 MRSA §670-A, as enacted by PL 2003, c. 423, §3 and affected by §5, is amended to read:

§670-A. Remedies for overtime wage violations involving state employees

Notwithstanding section 670, in an action brought to recover unpaid overtime wages for an employee of the executive or judicial branch of the State, except for teachers, the judgment or award is limited to the unpaid overtime compensation adjudged to be due, without liquidated damages or attorney's fees. An action for unpaid overtime wages for an employee of the executive or judicial branch of the State, except for teachers, must be

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1 brought within 2 years after the cause of action accrued, except that a cause of action arising
2 from a willful violation of the overtime wage payment law must be commenced within 3
3 years after the cause of action accrued. Overtime wages are recoverable by employees of
4 the executive or judicial branch, except for teachers, beginning with the later of the date
5 the cause of action accrued and the date the applicable limitations period began.

6 **Sec. 5. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **LABOR, DEPARTMENT OF**

9 **Regulation and Enforcement 0159**

10 Initiative: Provides ongoing funds for one Labor and Safety Inspector position and related
11 All Other costs to manage an anticipated increase in complaint investigations and to
12 conduct education and outreach.

13 GENERAL FUND	2025-26	2026-27
14 POSITIONS - LEGISLATIVE COUNT	1.000	1.000
15 Personal Services	\$75,336	\$103,880
16 All Other	\$6,052	\$8,087
17		
18 GENERAL FUND TOTAL	\$81,388	\$111,967

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

22 **SUMMARY**

23 This amendment, which is the majority report of the committee, adds provisions that
24 exclude teachers employed by school administrative units and the executive branch from
25 the public employee exemption to entitlement to paid overtime. The amendment provides
26 that teachers employed by the executive branch are entitled to the same remedies for
27 overtime wage violations as workers not employed by the executive or judicial branch.

28 **FISCAL NOTE REQUIRED**

29 (See attached)