



128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1769

S.P. 656

In Senate, January 3, 2018

**An Act To Conform the Laws Regarding a Salaried Employee Who
Is Exempt from Overtime and Minimum Wage Requirements to
Federal Law**

Submitted by the Department of Labor pursuant to Joint Rule 203.
Reference to the Committee on Labor, Commerce, Research and Economic Development
suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.
Cosponsored by Senator: LANGLEY of Hancock, Representatives: ESPLING of New
Gloucester, VACHON of Scarborough.

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

2 **Sec. 1. 26 MRSA §603, sub-§3, ¶E**, as enacted by PL 1999, c. 750, §1, is
3 repealed and the following enacted in its place:

4 E. A salaried employee:

5 (1) Who works in a bona fide executive, administrative or professional capacity
6 or satisfies the criteria for the exemption specified by the United States
7 Department of Labor under the federal Fair Labor Standards Act, 29 United
8 States Code, Section 213(a)(1) (2017); and

9 (2) Whose regular compensation meets or exceeds the annualized rate
10 established by the United States Department of Labor under the federal Fair
11 Labor Standards Act, 29 United States Code, Section 213(a)(1) (2017);

12 **Sec. 2. 26 MRSA §663, sub-§3, ¶K**, as amended by PL 2009, c. 529, §2, is
13 repealed and the following enacted in its place:

14 K. A salaried employee:

15 (1) Who works in a bona fide executive, administrative or professional capacity
16 or satisfies the criteria for the exemption specified by the United States
17 Department of Labor under the federal Fair Labor Standards Act, 29 United
18 States Code, Section 213(a)(1) (2017); and

19 (2) Whose regular compensation meets or exceeds the annualized rate
20 established by the United States Department of Labor under the federal Fair
21 Labor Standards Act, 29 United States Code, Section 213(a)(1) (2017); and

22 **SUMMARY**

23 This bill amends the description of a salaried employee for the laws governing limits
24 on mandatory overtime and the definition of "employee" in the laws governing minimum
25 wages to conform with the federal guidelines established by the United States Department
26 of Labor under the federal Fair Labor Standards Act. It sets the minimum salary at the
27 threshold established by the United States Department of Labor under that Act. It
28 eliminates the requirement that the salary threshold be tied to the state minimum wage.