

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

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

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Regulation and Enforcement 0159

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

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

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

SUMMARY

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

FISCAL NOTE REQUIRED

(See attached)