



Janet T. Mills
GOVERNOR

STATE OF MAINE
DEPARTMENT OF LABOR
54 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0054

Laura A. Fortman
COMMISSIONER

**Testimony of Dillon Murray,
Legislative Liaison, Maine Department of Labor
Neither for Nor Against
LD 653, An Act to Allow Teachers to Qualify for Overtime Pay
To the Joint Standing Committee on Labor
Hearing, April 8, 2025**

Good afternoon Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor. My name is Dillon Murray, Legislative Liaison for the Maine Department of Labor (Department). I am here today to speak on behalf of the Department Neither for Nor Against LD 653, "An Act to Allow Teachers to Qualify for Overtime Pay."

We would like to begin by underscoring our deep appreciation for the work teachers do in our state. Educators are foundational to Maine's communities, playing a vital role not only in academic instruction but also in supporting the social and emotional growth of students. Teaching is a demanding profession, and we believe that teachers should be supported at every opportunity.

Under the federal Fair Labor Standards Act (FLSA), most teachers are exempt from overtime based on a specific exemption that applies to employees whose primary duty is teaching, tutoring, instructing, or lecturing in an educational establishment.

Unlike most other white-collar exemptions under the FLSA (such as administrative or executive roles), this teaching exemption does not require the employee to meet a salary threshold. In other words, a teacher may be exempt from overtime even if they earn less than the federal salary threshold (currently \$684/week), as long as their primary duty is instructional. The duties test states that:

- The employee's primary duty must be teaching, instructing, tutoring, or lecturing, and
- The individual must be employed in an educational establishment.

At this time, we are unaware of any states that require teachers to be paid overtime under state law.

Maine law closely follows the federal FLSA in defining overtime exemptions. However, Maine also includes an additional exemption for public employees—including public school teachers—under Title 26, §664, sub-§3, ¶D. This provision exempts public employees from overtime protections altogether, regardless of their job duties or income level.

Separately, Maine law also includes an exemption under Title 26, §663, sub-§3, ¶K for salaried employees working in a bona fide executive, administrative, or professional capacity—again mirroring the FLSA. Teachers often qualify under this “professional” exemption if they meet both the salary threshold and the duties test.

LD 653 proposes to remove teachers from the exemption listed in the “definitions” section of Title 26 (§663), which applies to salaried professional employees. However, we respectfully note that the bill does not address §664, which is the part of Maine law that governs overtime eligibility. As a result, even if LD 653 were enacted as written, teachers employed in public schools would still be excluded from overtime protections under §664, sub-§3, ¶D.

If the Legislature intends to extend overtime eligibility to teachers, amending §664 would be necessary to ensure the intended legal effect. Without such a change, teachers would remain exempt from overtime under Maine law, even if the exemption under §663 were removed.

Finally, the Department notes that due to capacity constraints, and in anticipation of an increase in complaints, LD 653 would require additional resources to properly implement and enforce.

We appreciate the opportunity to provide this context, and for the committee’s consideration. I’d be happy to answer any questions you may have now or at a future work session.

The Maine Department of Labor is committed to serving Maine workers and businesses by helping employers recruit and train a talented workforce, providing workers with skills needed to compete in our economy, assisting individuals when jobs are lost, aiding people with disabilities reach career goals, ensuring safe and fair workplaces for people on the job and providing research and analysis of employment data to support job growth.