

# MAINE STATE LEGISLATURE

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ROFS

L.D. 653

Date:

6/3/25

Majority

(Filing No. H-

466)

## LABOR

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

COMMITTEE AMENDMENT "A" 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

# COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to H.P. 421, L.D. 653

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	<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
14	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
15	Personal Services	\$75,336	\$103,880
16	All Other	\$6,052	\$8,087
17			
18	<b>GENERAL FUND TOTAL</b>	<b>\$81,388</b>	<b>\$111,967</b>

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)

**132nd MAINE LEGISLATURE****LD 653****LR 1691(02)****An Act to Allow Teachers to Qualify for Overtime Pay****Fiscal Note for Bill as Amended by Committee Amendment****Committee: Labor****Fiscal Note Required: Yes***A (H-466)*

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**Fiscal Note**

	<b>FY 2025-26</b>	<b>FY 2026-27</b>	<b>Projections FY 2027-28</b>	<b>Projections FY 2028-29</b>
<b>Net Cost (Savings)</b>				
General Fund	\$81,388	\$111,967	\$116,018	\$120,227
<b>Appropriations/Allocations</b>				
General Fund	\$81,388	\$111,967	\$116,018	\$120,227

**Fiscal Detail and Notes**

This bill includes ongoing General Fund appropriations of \$81,388 in fiscal year 2025-26 and \$111,967 in fiscal year 2026-27 to the Department of Labor for one Labor and Safety Inspector position and related All Other costs to manage the anticipated increase in complaint investigations and to conduct education and outreach. This fiscal note assumes an effective date of October 1, 2025.

Excluding teachers employed in school administrative units (SAUs) and the executive branch from the public employee exemption to entitlement to paid overtime will increase costs to SAUs beginning in fiscal year 2025-26. Because the Essential Programs and Services funding model does not factor in overtime costs for teachers, this additional cost will be fully borne by SAUs. The impact to individual SAUs can not be estimated at this time.