

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1685

H.P. 1237

House of Representatives, December 23, 2011

An Act To Conform Maine Law to Federal Law Regarding Payment of Overtime to Truck Drivers and Driver's Helpers

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2011. Referred to the Committee on Labor, Commerce, Research and Economic Development pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

HEATHER J.R. PRIEST
Clerk

Presented by Representative O'CONNOR of Berwick.
Cosponsored by Senator RECTOR of Knox and
Representatives: DAVIS of Sangerville, HAYES of Buckfield, PARRY of Arundel, SIROCKI
of Scarborough, VOLK of Scarborough, WINSOR of Norway, Senators: SNOWE-MELLO of
Androscoggin, THOMAS of Somerset.

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

2 **Sec. 1. 26 MRSA §664, sub-§3, ¶F**, as amended by PL 2001, c. 628, §2 and
3 affected by §5, is further amended to read:

4 F. The canning, processing, preserving, freezing, drying, marketing, storing, packing
5 for shipment or distribution of:

- 6 (1) Agricultural produce;
- 7 (2) Meat and fish products; and
- 8 (3) Perishable foods.

9 Individuals employed, directly or indirectly, for or at an egg processing facility that
10 has over 300,000 laying birds must be paid overtime in accordance with this
11 subsection; and

12 **Sec. 2. 26 MRSA §664, sub-§3, ¶¶H, I and J**, as enacted by PL 2001, c. 628,
13 §3 and affected by §5, are repealed.

14 **Sec. 3. 26 MRSA §664, sub-§3, ¶K** is enacted to read:

15 K. A driver or driver's helper who is subject to the provisions of 49 United States
16 Code, Section 31502 as amended or to regulations adopted pursuant to that section,
17 who is governed by the applicable provisions of federal law with respect to payment
18 of overtime.

19 Nothing in this paragraph may be construed to limit the rights of parties to negotiate
20 rates of pay for drivers and driver's helpers who are represented for purposes of
21 collective bargaining by a labor organization certified by the National Labor
22 Relations Board or who are employed by an entity that is party to a contract with the
23 Federal Government or an agency of the Federal Government that dictates the
24 minimum hourly rate of pay to be paid a driver or driver's helper.

25 **SUMMARY**

26 This bill conforms Maine law to federal law as it pertains to payment of overtime to
27 truck drivers and driver's helpers.