

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1828

S.P. 618

In Senate, June 3, 2019

### An Act To Amend the Laws Governing Overtime

(EMERGENCY)

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec. (GOVERNOR'S BILL)

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation changes the law governing the payment of overtime for  
4 those state employees engaged in fire protection activities and law enforcement activities,  
5 bringing state law into compliance with federal law; and

6           **Whereas,** this legislation is necessary to resolve conflicts between controlling  
7 statute, contracts and scheduling practices; and

8           **Whereas,** it is necessary to immediately effectuate this change in law, as it relates to  
9 the ability of employers and employees to maintain current work schedules; and

10          **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
11 the meaning of the Constitution of Maine and require the following legislation as  
12 immediately necessary for the preservation of the public peace, health and safety; now,  
13 therefore,

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

15          **Sec. 1. 26 MRSA §664, sub-§3, ¶F,** as amended by PL 2017, c. 219, §15, is  
16 further amended to read:

17           F. The canning; processing; preserving; freezing; drying; marketing; storing; packing  
18 for shipment; or distributing of:

- 19               (1) Agricultural produce;
- 20               (2) Meat and fish products; and
- 21               (3) Perishable foods.

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

25          **Sec. 2. 26 MRSA §664, sub-§3, ¶K,** as enacted by PL 2011, c. 681, §3, is  
26 amended to read:

27           K. A driver or driver's helper who is not paid hourly and is subject to the provisions  
28 of 49 United States Code, Section 31502 as amended or to regulations adopted  
29 pursuant to that section, who is governed by the applicable provisions of federal law  
30 with respect to payment of overtime.

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

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

