

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 513

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S.P. 230

In Senate, February 9, 2023

### An Act Regarding Overtime Protections for Certain Maine Workers

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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 TIPPING of Penobscot.  
Cosponsored by Representative ROEDER of Bangor and  
Senators: CHIPMAN of Cumberland, DAUGHTRY of Cumberland, Representatives: GERE  
of Kennebunkport, MALON of Biddeford, SKOLD of Portland.

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

2 **Sec. 1. 26 MRSA §663, sub-§3, ¶K**, as amended by PL 2009, c. 529, §2, is further  
3 amended to read:

4 K. A salaried employee who works in a bona fide executive, administrative or  
5 professional capacity and whose regular compensation, when converted to an annual  
6 rate, exceeds ~~3000 times the State's minimum hourly wage~~ the rate established in this  
7 paragraph or the annualized rate established by the United States Department of Labor  
8 under the federal Fair Labor Standards Act, whichever is higher. Until December 31,  
9 2023, the rate is 3,000 times the State's minimum hourly wage; beginning January 1,  
10 2024, the rate is 3,500 times the State's minimum hourly wage; beginning January 1,  
11 2025, the rate is 4,000 times the State's minimum hourly wage; and beginning January  
12 1, 2026, the rate is 4,500 times the State's minimum hourly wage; and

13 **Sec. 2. 26 MRSA §664, sub-§4**, as enacted by PL 2003, c. 423, §2 and affected by  
14 §5, is amended to read:

15 **4. Compensatory time.** To the extent permitted under the federal Fair Labor  
16 Standards Act of 1938, as amended, 29 United States Code, Section 207(o), the overtime  
17 pay requirement applicable to executive or judicial employees as described in subsection  
18 3, paragraph D and to employees of nonprofit corporations organized under Title 13-B may  
19 be met through compensatory time agreements.

20 **Sec. 3. 26 MRSA §664, sub-§5** is enacted to read:

21 **5. Rules.** The Department of Labor shall adopt rules to implement and enforce the  
22 provisions of this section, including rules regarding compensatory time for employees of  
23 nonprofit corporations. Rules adopted pursuant to this subsection are routine technical rules  
24 as defined in Title 5, chapter 375, subchapter 2-A.

25 **SUMMARY**

26 This bill annually raises the minimum salary that an employee who works in an  
27 executive, administrative or professional capacity must earn in order for that employee to  
28 be exempt from the laws governing the minimum wage and overtime pay until it is, when  
29 converted to an annual rate, greater than 4,500 times the State's minimum hourly wage on  
30 January 1, 2026. It provides that the overtime pay requirement applicable to employees of  
31 nonprofit corporations may be met through compensatory time agreements. It directs the  
32 Department of Labor to adopt routine technical rules, including rules regarding  
33 compensatory time for employees of nonprofit corporations.