

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**

Effective June 19, 2019.

**CHAPTER 387**

**S.P. 618 - L.D. 1828**

**An Act To Amend the Laws  
Governing Overtime**

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

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

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

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

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

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

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

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

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

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

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

K. A driver or driver's helper who is not paid hourly and is subject to the provisions of 49 United States Code, Section 31502 as amended or to regulations adopted pursuant to that section, who

is governed by the applicable provisions of federal law with respect to payment of overtime.

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

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

L. Public employees employed by the executive or judicial branch of the State engaged in fire protection activities, as defined in the federal Fair Labor Standards Act, 29 United States Code, Section 203(y), or in law enforcement activities, as defined in 29 Code of Federal Regulations, Section 553.211, and who are eligible to have overtime pay calculated and paid in accordance with 29 United States Code, Section 207(k).

This paragraph may not be construed to limit the rights of parties to negotiate an agreement that provides for payment of overtime that exceeds the requirements of 29 United States Code, Section 207(k).

**Sec. 4. Retroactivity.** Notwithstanding any law to the contrary, this Act applies retroactively to April 1, 2016.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 19, 2019.

**CHAPTER 388**

**H.P. 1053 - L.D. 1441**

**An Act To Align the Laws  
Governing Dental Therapy  
with Standards Established by  
the American Dental  
Association Commission on  
Dental Accreditation**

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

**Sec. 1.** 22 MRSA §3174-XX, as amended by PL 2015, c. 429, §5, is further amended to read:

**§3174-XX. Dental therapy reimbursement**

**1. Reimbursement.** By October 1, 2015, the department shall provide for the reimbursement under