

LD 607, “An Act To Restore Overtime Protections for Maine Workers”

Amend the bill by striking everything after the enacting clause and before the summary and inserting in its place the following:

Sec 1. 26 MRSA §603, sub-§3, ¶E, as amended by PL 2007, c. 640, §1, is further amended to read:

E. A salaried employee who works in a bona fide executive capacity and whose regular compensation, when converted to an annual rate, meets or exceeds 3000 times the State's minimum hourly wage the rate established in section 663, subsection 3, paragraph K.

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

K. A salaried employee who works in a bona fide executive, administrative or professional capacity and whose regular compensation, when converted to an annual rate, meets or exceeds 3000 times the State's minimum hourly wage or the rate established in this paragraph or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher;

- (1) Until December 31, 2021, the rate is 3,000 times the state minimum wage;
- (2) Beginning January 1, 2022, the rate is 3,500 times the state minimum wage;
- (3) Beginning January 1, 2023, the rate is 4,000 times the state minimum wage; and
- (4) Beginning January 1, 2024, the rate is 4,500 times the state minimum wage.

Sec 3. 26 MRSA §663, sub-§12, as enacted by PL 2007 c. 360 §2, is amended to read:

12. Automobile mechanic. "Automobile mechanic" means a person who is primarily engaged in the servicing of automobiles or trucks as an employee of an establishment primarily engaged in the business of selling automobiles or trucks to the ultimate purchaser, as long as the person's annual compensation meets or exceeds 3,000 times the state minimum hourly wage the rate established in subsection 3, paragraph K or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher, except when the employee is paid by the employer on an hourly basis.

Sec 4. 26 MRSA §663, sub-§13, as enacted by PL 2007 c. 360 §3, is amended to read:

13. Automobile parts clerk. "Automobile parts clerk" means a person employed for the purpose of and primarily engaged in requisitioning, stocking and dispensing automobile parts as an employee of an establishment primarily engaged in the business of selling automobiles or

trucks to the ultimate purchaser, as long as the person's annual compensation meets or exceeds 3,000 times the state minimum hourly wage the rate established in subsection 3, paragraph K or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher, except when the employee is paid by the employer on an hourly basis

Sec 5. 26 MRSA §663, sub-§14, as enacted by PL 2007 c. 360 §4, is amended to read:

14. Automobile service writer. "Automobile service writer" means a person employed for the purpose of and primarily engaged in receiving, analyzing and referencing requests for service, repair or analysis of motor vehicles as an employee of an establishment primarily engaged in the business of selling automobiles or trucks to the ultimate purchaser, as long as the person's annual compensation meets or exceeds 3,000 times the state minimum hourly wage the rate established in subsection 3, paragraph K, or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher, except that "automobile service writer" does not include an employee who is paid by the employer on a hourly basis.

SUMMARY

This amendment replaces the bill. This amendment annually raises the minimum salary that an employee who works in an executive, administrative or professional capacity must earn in order for that employee to be exempt from the laws governing the minimum wage and overtime pay as follows:

1. Until December 31, 2021, the rate is 3,000 times the state minimum wage;
2. Beginning January 1, 2022, the rate is 3,500 times the state minimum wage;
3. Beginning January 1, 2023, the rate is 4,000 times the state minimum wage; and
4. Beginning January 1, 2024, the rate is 4,500 times the state minimum wage.

This amendment also raises the minimum salary that automobile mechanics, automobile parks clerks and automobile service writers must earn in order for those employees to be exempt from the laws governing minimum wage and overtime pay.