

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

H.P. 1237 - L.D. 1685

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

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 2001, c. 628, §2 and affected by §5, is further amended to read:

F. The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution 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Sec. 2. 26 MRSA §664, sub-§3, ¶¶H, I and J, as enacted by PL 2001, c. 628, §3 and affected by §5, are repealed.

Sec. 3. 26 MRSA §664, sub-§3, ¶K is enacted 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.

Sec. 4. Report. The director of the wage and hour division within the Department of Labor, within the division's existing resources, shall review the impact of this Act on drivers and driver's helpers who are paid by other than an hourly rate and report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2014. The report must include the number of employers who began paying drivers and driver's helpers by a rate other than hourly after the effective date of this Act, the rate of pay, any complaints received by the division with regard to drivers or driver's helpers earning less than the reasonable equivalent of 1 1/2 times the regular hourly rate paid for work over 40 hours in a week and whether this Act has been successful in attracting new employers of drivers and driver's helpers.

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor