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Public Law
123rd Legislature
First Regular Session

Chapter 360
H.P. 913 - L.D. 1295

An Act To Amend the Labor Laws Regarding Automobile Dealerships

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

Sec. 1. 26 MRSA §663, sub-§11, as enacted by PL 1985, c. 76, §1, is amended to read:

11. Automobile salesperson. "Automobile ~~salesmansalesperson~~" means a person who is primarily engaged in selling automobiles or trucks as an employee of an establishment primarily engaged in the business of selling these vehicles to the ultimate purchaser. "Automobile salesperson" includes a person who is primarily engaged in assisting in the financing and providing of insurance products to the ultimate purchaser.

Sec. 2. 26 MRSA §663, sub-§12, as enacted by PL 1985, c. 76, §1, 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 exceeds 3,000 times the state minimum hourly wage 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. 3. 26 MRSA §663, sub-§13, as enacted by PL 1991, c. 507, §1, 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 exceeds 3,000 times the state minimum hourly wage 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-§14 is enacted 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

exceeds 3,000 times the state minimum hourly wage 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.

Sec. 5. 26 MRSA §664, sub-§3, ¶A, as amended by PL 2001, c. 336, §1, is further amended to read:

A. Automobile mechanics, automobile parts clerks, automobile service writers and automobile salesmensalespersons as defined in section 663. The interpretation of these terms must be consistent with the interpretation of the same terms under federal overtime law, 29 United States Code, Section 213;

Effective September 20, 2007