

NEWS BULLETIN

Maine Automobile Dealers Association

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ELECTRIC VEHICLE INITIATIVES

Efficiency Maine administers an initiative, the EV Accelerator Rebate Program (EV program), to promote the purchase and use of electric vehicles, pursuant to the consent judgement with Volkswagen which resulted in settlement funds to be used for environmentally beneficial purposes such as the reduction of emissions. The EV program plans to invest an estimated \$2.25 million dollars in electric vehicle purchases by Maine residents. An additional \$2.5 million will be devoted to charging station infrastructure and other programs with the same goal.

Maine residents and business owners purchasing a qualifying Electric Vehicle will be eligible for a rebate between \$1,000 to \$2,000, depending on the vehicle purchased or leased. For Qualified Low-Income Maine Residents, the rebate is \$1,500. For Maine Governmental Entity or Tribal Government, the rebate is \$2,000. To be eligible for a rebate, vehicles must be purchased or leased new between August 29, 2019 and December 21, 2021, or while funds are available.

To date, 62 rebates (2 Tesla rebates) have been processed. There are 41 individual dealership locations currently in the EV program. A few persons bought cars in New Hampshire and were expecting to get a car rebate, but they did not because purchases from out-of-state dealerships are not eligible. Efficiency Maine is sending ACH transactions to the dealerships on a weekly basis. If you are interested in participating, you must complete an EV training. Jennifer Brennan is the Program Manager of Electric Vehicle Initiatives at Efficiency Maine and can be contacted at (207) 213-4151.

OVERTIME EXEMPTIONS

The US Department of Labor is updating and revising the earnings thresholds necessary to exempt executive, administrative, or professional employees (EAP or "white collar") from the Fair Labor Standards Act overtime pay requirements. The final rule will be effective January 1, 2020. Employees who work more than 40 hours in a workweek but who meet both the salary and duties tests for an EAP exemption do not have to be paid the federal overtime premium of 1.5 times their regular rate of pay. The EAP exemption salary threshold is increasing from the current \$23,660 to \$35,568 per year (or from \$455 to \$684 per week). The DOL is allowing up to 10% of these salary thresholds to be satisfied by nondiscretionary bonuses or commissions. No changes were made to the EAP exemptions duties tests. The salary threshold for highly compensated employees (HCEs) also is being increased from the current \$100,000 to \$107,432 (there are no duties tests for HCEs). The new rule requires that HCEs receive at least \$684 per week in salary, but the remainder of their compensation may be in the form of nondiscretionary bonuses or commissions. NADA is amending its Dealer Guide to Federal Wage and Hour, Child Labor and Wage Discrimination Compliance to reflect these new changes.

In Maine, the threshold for EAP overtime exemption is 3000 times the state minimum wage. It is \$33,000 in 2019 and it will increase to \$36,000 in 2020 after the minimum wage increases to \$12 on January 1, 2020. Because Maine law is more beneficial to employees, it takes precedence.

MAINE LAW CHANGES

As authorized by legislation effective Sept 19, the Secretary of State has issued a new form for temporary plate logs. The law used to say that dealerships had to maintain records of temporary plates, but there was no prescribed form. According to Title 29-A, subsection 462, section 11: "A person issued temporary registration plates by the Secretary of State shall maintain a written record on a form prescribed by the Secretary of State for the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business and must be submitted annually upon application for renewal of a dealer license. A person who violates this subsection commits a traffic infraction."

Also due to a law change effective Sept 19 (Title 29-A, subsection 2380), snowplows and equipment mounted on a vehicle traveling from one work location to another work location during a snow event (the period beginning 48 hours before a snowstorm and up to 48 hours after the end of a snowstorm), or traveling from the point of purchase to a storage location, shall not exceed 108 inches in total width. Doing so will be deemed a traffic infraction.

EMPLOYMENT or APPRENTICESHIP of 16 YEAR OLDS

According to the US Department of Labor Wage and Hour Division, employees 16 years of age and under MAY NOT DRIVE motor vehicles on public roads as part of their jobs - even if they possess a valid state driver's license. Nor can they operate hoisting apparatus or any power-driven machinery other than nonhazardous office machines. 17 years-olds are now allowed limited driving on dealership business. They cannot be an outside helper on a motor vehicle.

To be deemed apprentices, CTE-Student and Student Learners:

1. Must be enrolled in a course of study and training in a cooperative or vocational training program under a recognized state or local educational authority or in a similar private school program; and
2. Must be employed under a written agreement that provides:
 - a. That the hazardous work is incidental to the training.
 - b. That the hazardous work is intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person.
 - c. That both the school and employer give safety instruction.
 - d. A schedule of organized and progressive work processes to be performed on the job.

Apprentices and student learners who have graduated from high school or are enrolled in a vocational, career and technical, or cooperative education program approved by the Department of Education, and are hired by an employer to work in an occupation for which the minor has been trained and certified by the program, may work for that employer in that occupation.

WRECKERS

There are two bills related to wreckers which the Legislative Council will be reviewing for consideration in the 2020 session. One bill would adjust the definition of wrecker. The second bill would create a new class of wrecker registration plates. This could impact the ability to use dealer plates on certain wreckers. This proposed legislation will be discussed at the upcoming regional meetings.

REGIONAL MEETINGS START SOON

A few days ago we mailed an announcement letter and registration form to everyone detailing the regional meetings which start November 5. Please contact us if you have not received this information.