

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1774

S.P. 692

In Senate, April 24, 2025

An Act to Protect Domestic Workers

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TALBOT ROSS of Cumberland.
Cosponsored by Representative ROEDER of Bangor and
Senator: TIPPING of Penobscot.

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

2 Sec. 1. 26 MRSA c. 6, sub-c. 4 is enacted to read:

3 **SUBCHAPTER 4**

4 **OCCUPATIONAL SAFETY AND HEALTH OF DOMESTIC WORKERS**

5 **§590. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Domestic worker.** "Domestic worker" means an individual who works:

9 A. For one or more employers; and

10 B. In a residence and provides any of the following services:

11 (1) Child care services;

12 (2) Caretaking services for individuals who are sick, convalescing, elderly or
13 disabled;

14 (3) Housekeeping services, including laundry and organization services;

15 (4) Chef services;

16 (5) Butler services;

17 (6) Valet services; and

18 (7) Any other domestic service.

19 "Domestic worker" does not include an individual who is a family member; provides
20 house sitting, pet sitting or dog walking services; or provides household repair or
21 maintenance services.

22 **2. Employer.** "Employer" has the same meaning as in section 806, subsection 3.

23 **§590-A. Domestic workers; occupational health and safety standards**

24 The bureau shall adopt rules for the protection of the health, safety and welfare of
25 domestic workers, including, but not limited to, standards governing safe working and
26 housing conditions, including privacy standards for a domestic worker residing at the
27 residence of the worker's employer; access to and use of personal protective equipment;
28 record keeping; and the duties and responsibilities of the employer, including compliance
29 with the rules established under this section.

30 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
31 chapter 375, subchapter 2-A.

32 **§590-B. Penalties and enforcement**

33 **1. Civil violation.** An employer who violates this subchapter or the rules adopted
34 under this subchapter commits a civil violation for which a fine of not less than \$100 nor
35 more than \$1,000 for each violation, payable to the State, may be adjudged. Each day that
36 the violation remains uncorrected following notice to the employer may be counted as a

1 separate offense. The bureau may direct an employer to correct any violations in a manner
2 and within a time frame that the bureau determines appropriate to ensure compliance with
3 the rules or to protect the public health. Failure to correct violations within a time frame
4 established by the bureau constitutes a separate offense. The Attorney General may seek
5 to enjoin further violation of this subchapter or the rules adopted under this subchapter, in
6 addition to any other remedy, on a violation that was not corrected.

7 **2. Private right of action.** A civil action may be brought against an employer by any
8 person aggrieved by a violation of this subchapter or rules adopted under this subchapter.
9 If the court finds that the employer violated this subchapter or a rule adopted under this
10 subchapter, it may award damages of not less than \$100 nor more than \$1,000 per plaintiff
11 per violation. In determining the amount of damages to be awarded, the court is authorized
12 to consider whether an attempt was made to resolve the issues in dispute before resorting
13 to litigation.

14 **Sec. 2. 26 MRSA §597-A** is enacted to read:

15 **§597-A. Employment contracts for domestic workers**

16 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
17 following terms have the following meanings.

18 A. "Domestic worker" has the same meaning as in section 590, subsection 1.

19 B. "Employer" has the same meaning as in section 806, subsection 3.

20 **2. Employment contract; requirements.** An employer may not employ a domestic
21 worker without a written employment contract that has been signed and dated by both
22 parties. The employment contract must include, but is not limited to, the following terms
23 and conditions:

24 A. Job duties;

25 B. Hourly wage and overtime wage;

26 C. Agreed-upon weekly schedule stipulating the number of hours per week;

27 D. Payment schedule and method;

28 E. The number and duration of rest breaks, in compliance with section 601-A;

29 F. Terms of sick leave pay;

30 G. Holiday schedule;

31 H. Length of contract; and

32 I. Any additional agreed-to terms and conditions.

33 For the employment of a full-time live-in domestic worker, the employment contract must
34 also include room and board conditions and terms regarding the transportation provided.

35 A written employment contract required under this section must comply with all other
36 applicable protections for domestic workers under federal, state and local laws.

37 **3. Employment contract; limitations.** A written employment contract required by
38 subsection 2 may not include:

39 A. A mandatory predispute arbitration agreement for claims made by a domestic
40 worker against an employer regarding the local rights of the worker; or

1 B. A nondisclosure agreement clause or nondisparagement agreement.

2 **4. Employer's due diligence.** An employer shall make reasonable efforts to determine
3 the written language the domestic worker would prefer the employment contract required
4 by subsection 2 be drafted in and to ensure the contract is written in that language.

5 **5. Required resources available.** The bureau shall make available model
6 employment contracts that comply with this section in the languages most commonly
7 spoken in the State. If used for employment services, a referral or employment agency
8 shall provide domestic workers and employers with information pertaining to the
9 employment contract requirements under this section.

10 **6. Enforcement and violations.** Enforcement of this section is in accordance with
11 this subsection.

12 A. An employer who violates this section commits a civil violation for which a fine of
13 not less than \$100 nor more than \$1,000 for each violation, payable to the State, may
14 be adjudged. Each day that the violation remains uncorrected following notice to the
15 employer may be counted as a separate offense. The bureau may direct an employer
16 to correct any violations in a manner and within a time frame that the bureau determines
17 appropriate to ensure compliance with the rules or to protect the public health. Failure
18 to correct violations within a time frame established by the bureau constitutes a separate
19 offense. The Attorney General may seek to enjoin further violation of this section, in
20 addition to any other remedy, on a violation that was not corrected.

21 B. A civil action may be brought against an employer by any person aggrieved by a
22 violation of this section. If the court finds that the employer violated this section, it
23 may award damages of not less than \$100 nor more than \$1,000 per plaintiff per
24 violation. In determining the amount of damages to be awarded, the court is authorized
25 to consider whether an attempt was made to resolve the issues in dispute before
26 resorting to litigation.

27 **Sec. 3. 26 MRSA §601-A** is enacted to read:

28 **§601-A. Domestic worker rest breaks**

29 **1. Requirement.** Except as provided in subsection 2, an employer shall allow a
30 domestic worker, as defined in section 590, subsection 1, an uninterrupted paid rest period
31 of not less than 10 minutes for each 4 consecutive hours worked.

32 **2. Exceptions.** An employer is exempt from providing a domestic worker the rest
33 period required by subsection 1 if the nature of work requires the domestic worker to be
34 present at all times, including, but not limited to, child care services and caretaking services
35 for individuals who are sick, convalescing, elderly or disabled. If an employer is exempted
36 from providing a domestic worker a rest period under subsection 1, the employer shall
37 instead:

38 A. Authorize the domestic worker to have an uninterrupted paid 30 minute meal break
39 after more than 5 consecutive hours worked. The rate of pay must be the regular rate
40 of pay of the domestic worker; and

41 B. Allow, to the extent possible, the domestic worker to engage in personal activities,
42 such as resting, eating a meal, drinking a beverage, making a personal call or engaging

1 in other personal activities, during the permitted meal break or rest periods under this
2 section.

3 An employer may not impede or discourage a domestic worker from taking meal break or
4 rest periods under this section.

5 **Sec. 4. 26 MRSA §603, sub-§1, ¶C** is enacted to read:

6 C. "Domestic worker" has the same meaning as in section 590, subsection 1.

7 **Sec. 5. 26 MRSA §603, sub-§2-A** is enacted to read:

8 **2-A. Domestic workers.** An employer may not require a domestic worker to work
9 more than 10 hours of overtime in any 2-week period. An employer shall provide a
10 domestic worker with at least 24 consecutive hours of rest in a 7-day period.

11 **Sec. 6. 26 MRSA §603, sub-§5**, as enacted by PL 2001, c. 401, §1, is amended to
12 read:

13 **5. Exception for nurse and domestic worker.** Notwithstanding subsection
14 subsections 2 and 2-A, a nurse or domestic worker may not be disciplined for refusing to
15 work more than 12 consecutive hours. A nurse may be disciplined for refusing mandatory
16 overtime in the case of an unforeseen emergent circumstance when overtime is required as
17 a last resort to ensure patient safety. Any nurse or domestic worker who is mandated to
18 work more than 12 consecutive hours, as permitted by this section, must be allowed at least
19 10 consecutive hours of off-duty time immediately following the worked overtime.

20 This subsection does not apply to overtime for performance of services described in
21 subsection 3, paragraph A or C.

22 **Sec. 7. 26 MRSA §620-A** is enacted to read:

23 **§620-A. Domestic workers concerted activity**

24 Notwithstanding any provision of law to the contrary, domestic workers, as defined in
25 section 590, subsection 1, have the right to self-organization, to form, join or assist labor
26 organizations, to bargain collectively through representatives of their own choosing and to
27 engage in other concerted activities for the purpose of collective bargaining or other mutual
28 aid or protection and have the right to refrain from such activities.

29 **Sec. 8. 26 MRSA §625-C** is enacted to read:

30 **§625-C. Notice provided to domestic workers**

31 A domestic worker, as defined in section 590, subsection 1, must be provided by the
32 worker's employer with 30 days' notice prior to dismissal.

33 Each day of a notice period fewer than the required 30 days constitutes a separate
34 violation for the purposes of section 626-A. The wages that would have been earned on
35 each such day constitute unpaid wages for the purpose of section 626-A.

36 **Sec. 9. 26 MRSA §626-A, first ¶**, as amended by PL 2021, c. 404, §2, is further
37 amended to read:

38 Whoever violates any of the provisions of section 600-A, sections 621-A to 623 or
39 section 625-C, 626, 628, 628-A, 629 or 629-B is subject to a forfeiture of not less than \$100
40 nor more than \$500 for each violation.

Sec. 10. 26 MRSA §637, sub-§1, ¶D is enacted to read:

D. "Domestic worker" has the same meaning as in section 590, subsection 1.

Sec. 11. 26 MRSA §637, sub-§2, as enacted by PL 2019, c. 156, §3 and affected by §4, is amended to read:

2. Earned paid leave. An employer that employs more than 10 employees, or at least one domestic worker, in the usual and regular course of business for more than 120 days in any calendar year shall permit each employee to earn paid leave based on the employee's base pay as provided in this section.

Sec. 12. 26 MRSA §664, §3-A is enacted to read:

§3-A. Domestic workers unsociable hours

An employer may not require a domestic worker, as defined in section 590, subsection 1, to work between the hours of 10 p.m. and 6 a.m. unless 1 1/2 times the regular rate of pay of the worker is paid for all hours actually worked during the hours of 10 p.m. to 6 a.m. The regular rate of pay of the worker includes all earnings, bonuses, commissions and other compensation that is paid or due based on actual work performed and does not include any sums excluded from the definition of "regular rate" under the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 207(e).

Sec. 13. 26 MRSA §807, sub-§3, as amended by PL 2017, c. 162, §2, is further amended to read:

3. Education and training. In workplaces with 15 or more employees; and in workplaces employing any number of domestic workers, as defined in section 590, subsection 1, employers shall conduct an education and training program for all new employees within one year of commencement of employment. Training provided under this subsection must include the illegality of sexual harassment; the definition of sexual harassment under state and federal laws and federal regulations, including the Maine Human Rights Act and the Civil Rights Act of 1964, 42 United States Code, Title VII, Sections 2000e to 2000e-17; a description of sexual harassment, utilizing examples; the internal complaint process available to the employee; the legal recourse and complaint process available through the commission; directions on how to contact the commission; and the protection against retaliation as provided under Title 5, section 4553, subsection 10, paragraph D. Employers shall conduct additional training for supervisory and managerial employees within one year of commencement of employment that includes, at a minimum, the specific responsibilities of supervisory and managerial employees and methods that these employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

Education and training programs conducted under this subsection by the State, a county or a municipality for its public safety personnel, including, but not limited to, law enforcement personnel, corrections personnel and firefighters, may be used to meet training and education requirements mandated by any other law, rule or other official requirement.

SUMMARY

This bill establishes occupational health and safety standards for domestic workers by directing the Department of Labor, Bureau of Labor Standards to adopt rules regulating the

1 employment of domestic workers, requiring employers and employees to sign an
2 employment contract and stipulating the rest breaks required for domestic workers and
3 limitations on work hours. The bill also establishes penalties and enforcement for
4 violations of these provisions.