

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2205

H.P. 1574

House of Representatives, February 11, 2008

An Act To Further Clarify Worker Payments for Clothing and Equipment

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Monmouth.

Cosponsored by Senator DOW of Lincoln and

Representatives: CLARK of Millinocket, CONNOR of Kennebunk, DRISCOLL of Westbrook, HASKELL of Portland, JACKSON of Allagash, PRATT of Eddington, TUTTLE of Sanford, WEBSTER of Freeport.

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

2 **Sec. 1. 26 MRSA §629**, as amended by PL 2007, c. 357, §1 and repealed and
3 replaced by c. 415, §1, is repealed and the following enacted in its place:

4 **§629. Unfair agreements**

5 **1. Work without compensation; return of compensation.** A person, firm or
6 corporation may not require or permit any person as a condition of securing or retaining
7 employment to work without monetary compensation or when having an agreement, oral,
8 written or implied, that a part of such compensation should be returned to the person, firm
9 or corporation for any reason other than for the payment of a loan, debt or advance made
10 to the person, or for the payment of any merchandise purchased from the employer or for
11 sick or accident benefits, or life or group insurance premiums, excluding compensation
12 insurance, that an employee has agreed to pay, or for rent, light or water expense of a
13 company-owned house or building. This section does not apply to work performed in
14 agriculture or in or about a private home.

15 **2. Debt.** For purposes of this subchapter, "debt" means a benefit to the employee.
16 "Debt" does not include items incurred by the employee in the course of the employee's
17 work or dealing with customers on the employer's behalf, such as cash shortages,
18 inventory shortages, dishonored checks, dishonored credit cards, damages to the
19 employer's property in any form or any merchandise purchased by a customer. "Debt"
20 does not include uniforms, personal protective equipment or other tools of the trade that
21 are considered to be primarily for the benefit or convenience of the employer. As used in
22 this subsection, "uniforms" means shirts or other items of clothing bearing the company
23 name or logo. The employer may not mandate that an employee pay for the cleaning and
24 maintenance of a uniform, but may have a written agreement whereby the employee
25 chooses to have a payroll deduction for the cost of cleaning and maintenance.

26 **3. Penalty.** An employer is liable to an employee for the amount returned to the
27 employer by that employee as prohibited in this section.

28 **4. Deduction of service fees.** Public employers may deduct service fees owed by
29 an employee to a collective bargaining agent from the employee's pay, without signed
30 authorization from the employee, and remit those fees to the bargaining agent, as long as:

31 **A.** The fee obligation arises from a lawfully executed and implemented collective
32 bargaining agreement; and

33 **B.** In the event a fee payor owes any arrears on the payor's fee obligations, the
34 deduction authorized under this subsection may include an installment on a payment
35 plan to reimburse all arrears, but may not exceed in each pay period 10% of the gross
36 pay owed.

37 **SUMMARY**

38 This bill prohibits an employer from charging an employee for uniforms, personal
39 protective equipment and other tools of the trade. This bill clarifies that shirts and other

1 items with a company logo are uniforms. It allows an employer to deduct the cost of
2 cleaning and maintenance of a uniform upon written agreement with the employee. It
3 also corrects a conflict created when Public Law 2007, chapter 357 and Public Law 2007,
4 chapter 415 both substantively affected the same provision of law.