

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 81

H.P. 67

House of Representatives, January 15, 2019

An Act To Clarify Maine Law Regarding the Tips of Service Employees

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FECTEAU of Biddeford.
Cosponsored by Senator BELLOWS of Kennebec and
Representative: SYLVESTER of Portland.

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

2 **Sec. 1. 26 MRSA §664, sub-§2-A**, as enacted by PL 2011, c. 118, §4, is amended
3 to read:

4 **2-A. Tip pooling.** This section may not be construed to prohibit an employer from
5 establishing a valid tip pooling arrangement only among service employees that ~~is~~
6 consistent with does not violate the federal Fair Labor Standards Act and regulations
7 made pursuant to that Act.

8 **SUMMARY**

9 This bill clarifies that an employer may take an employee's tips as part of a valid tip
10 pooling arrangement if the arrangement is only among service employees. It specifies
11 that such a tip pooling arrangement may not violate federal law rather than requiring that
12 it be consistent with federal law. The intent of this bill is to clarify the distinction
13 between Maine law and any change to, or judicial interpretation of, the federal Fair Labor
14 Standards Act and associated regulations that would allow an employer to take a service
15 employee's tips for any reason other than for a valid tip pooling arrangement that is only
16 among service employees.