

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1878

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H.P. 1388

House of Representatives, January 5, 2022

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### **An Act To Support Restaurants in the State through Service Charge Revenues**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 SHEEHAN of Biddeford.  
Cosponsored by Representatives: Speaker FECTION of Biddeford, TALBOT ROSS of Portland, TERRY of Gorham, Senators: President JACKSON of Aroostook, SANBORN of Cumberland.

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

2 **Sec. 1. 26 MRSA §664, sub-§2-C** is enacted to read:

3 **2-C. Restaurant service charges permitted.** A restaurant employer that pays all of  
4 its service employees at least a minimum wage under subsection 1 may add a service charge  
5 and shall notify the customer that the service charge does not represent a tip for service  
6 employees. The restaurant employer may use some or all of any service charge to meet its  
7 obligation to compensate all employees at the rate required by this section or for employee  
8 health benefit plans, retirement plans or any other wages or benefits.

9 **SUMMARY**

10 This bill allows restaurants that pay all of their service employees at least a minimum  
11 wage to add a service charge and requires the restaurants to notify customers that the  
12 service charge does not represent a tip for service employees. A restaurant may use the  
13 service charge for wages or benefits.