

# MAINE STATE LEGISLATURE

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Date *5/30/23* *Majority* L D 903  
(Filing No *H-254*)

**LABOR AND HOUSING**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "*A*" to H P 559, L D 903, "An Act to Establish Parity in Tipping Laws for Restaurant Workers"

Amend the bill by striking out all of section 2 and inserting the following

'**Sec. 2. 26 MRSA §664, sub-§2-A**, as amended by PL 2019, c 10, §1, is further amended to read

**2-A. Tip pooling.** This section may not be construed to prohibit an employer from establishing a valid tip pooling arrangement ~~only among service employees~~ that does not violate the federal Fair Labor Standards Act of 1938 and regulations made pursuant to that Act- as long as

A The tip pooling arrangement is only among service employees when the employee uses the tip credit under subsection 2; or

B The tip pooling arrangement is among a group of employees when the employer pays all employees in the group the minimum hourly wage and does not use the tip credit under subsection 2 An employer may not receive tips from such a tip pool and may not allow supervisors and managers to receive tips from the tip pool '

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

**SUMMARY**

This amendment is the majority report of the committee The amendment codifies federal regulations that specify that if an employer pays its employees the minimum hourly wage and does not take a tip credit, the employer may impose a tip pooling arrangement to include employees, such as dishwashers and cooks, who are not classified as service employees

**COMMITTEE AMENDMENT**