MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document **No. 903**

H.P. 559 House of Representatives, February 28, 2023

An Act to Establish Parity in Tipping Laws for Restaurant Workers

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

R(t B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative SKOLD of Portland.
Cosponsored by Senator DAUGHTRY of Cumberland and
Representatives: LOOKNER of Portland, MALON of Biddeford, ROEDER of Bangor,
Speaker TALBOT ROSS of Portland, WARREN of Scarborough, Senator: President
JACKSON of Aroostook.

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

2   **Sec. 1. 26 MRSA §664, sub-§2, ¶D,** as enacted by PL 2017, c. 272, §1, is amended
3   to read:

4   D. That all tips received by the affected employee must be retained by the employee,
5   except for a valid tip pooling arrangement ~~limited to employees who customarily and~~
6   ~~regularly receive tips~~ in accordance with subsection 2-A;

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

9   **2-A. Tip pooling.** This section may not be construed to prohibit an employer from
10   establishing a valid tip pooling arrangement ~~only among service employees~~ that does not
11   violate the federal Fair Labor Standards Act <u>of 1938</u> and regulations made pursuant to that
12   Act.

13   **SUMMARY**

14   Current federal regulations specify that if an employer pays its employees the full
15   minimum wage and does not take a tip credit, the employer may impose a tip pooling
16   arrangement to include employees that are not classified as service employees, such as
17   dishwashers and cooks. This bill amends the law to reflect that ability.