

MAINE STATE LEGISLATURE

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SUZ
ROS
"Inclusion"

LD 949

Date 5-17-23

Majority

(Filing No H-173)

LABOR AND HOUSING

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

COMMITTEE AMENDMENT "A" to HP 596, LD 949, "An Act to Protect Workers from Employer Surveillance"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 26 MRSA c. 7, sub-c. 1-D is enacted to read

SUBCHAPTER 1-D

EMPLOYER SURVEILLANCE

§620. Employer surveillance

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings

A "Employee" means any private or public employee, including the State and political subdivisions of the State

B "Employer surveillance" means the monitoring of an employee by an employer through the use of an electronic device or system, including but not limited to the use of a computer, telephone, wire or radio or electromagnetic, photoelectronic or photo-optical systems "Employer surveillance" does not include the use by employers of surveillance cameras for security or safety purposes or the use of GPS tracking or other safety devices on vehicles owned by the employer but operated by the employee

2. Employer surveillance. An employer may not use employer surveillance unless the employer notifies the employee before beginning the use of employee surveillance

3. Audiovisual monitoring restrictions. An employer may not use audiovisual monitoring in an employee's residence or personal vehicle or on the employee's property as a means of employer surveillance

COMMITTEE AMENDMENT

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1 4. Employee personal devices. An employee may decline a request by an employer to
2 install data collection or transmission applications on the employee's personal electronic
3 devices for the purposes of employer surveillance.

4 5. Notice to prospective employee. An employer using employer surveillance shall
5 inform a prospective employee during the employment interview process that the employer
6 engages in employer surveillance.

7 6. Private right of action. A person aggrieved by a violation of this section has a
8 private right of action for injunctive relief and recovery of civil penalties and attorney's
9 fees.

10 7. Rulemaking. The Department of Labor shall adopt rules as necessary to implement
11 this subchapter. Rules adopted pursuant to this subsection are routine technical rules as
12 defined in Title 5, chapter 375, subchapter 2-A.

13 8. Relation to state and federal laws. This section may not be construed to limit the
14 ability of an employer to comply with state and federal laws, rules or regulations related to
15 security, safety and transmission and handling of data.

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

18 **SUMMARY**

19 This amendment replaces the bill. The amendment specifies that an employer may use
20 employer surveillance if the employer informs the employee before beginning employer
21 surveillance. It prohibits an employer from using audiovisual monitoring in an employee's
22 residence or personal vehicle or on the employee's property and provides that an employee
23 can decline a request by an employer to install data collection or transmission applications
24 on the employee's personal electronic devices for the purposes of employer surveillance. It
25 also requires that an employer notify a prospective employee during the interview process
26 that the employer engages in employer surveillance. It adds rule-making authority for the
27 Department of Labor.

28 **FISCAL NOTE REQUIRED**

29 (See attached)



131st MAINE LEGISLATURE

LD 949

LR 1207(02)

An Act to Protect Workers from Employer Surveillance

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-173)

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

This bill may increase the number of civil suits filed in the court system

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time

The collection of additional filing fees will increase General Fund revenue by minor amounts

Fiscal Detail and Notes

Additional costs to the Department of Labor associated with the rulemaking process can be absorbed within existing budgeted resources