

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 559 - L.D. 903

An Act to Establish Parity in Tipping Laws for Restaurant Workers

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

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

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

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 employer 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.