

## 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

**Legislative Document** 

No. 81

H.P. 67

House of Representatives, January 15, 2019

An Act To Clarify Maine Law Regarding the Tips of Service Employees

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

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative FECTEAU of Biddeford. Cosponsored by Senator BELLOWS of Kennebec and Representative: SYLVESTER of Portland.

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

- **Sec. 1. 26 MRSA §664, sub-§2-A,** as enacted by PL 2011, c. 118, §4, is amended to read:
  - **2-A. Tip pooling.** This section may not be construed to prohibit an employer from establishing a valid tip pooling arrangement <u>only</u> among service employees that is <u>eonsistent with does not violate</u> the federal Fair Labor Standards Act and regulations made pursuant to that Act.

8 SUMMARY

This bill clarifies that an employer may take an employee's tips as part of a valid tip pooling arrangement if the arrangement is only among service employees. It specifies that such a tip pooling arrangement may not violate federal law rather than requiring that it be consistent with federal law. The intent of this bill is to clarify the distinction between Maine law and any change to, or judicial interpretation of, the federal Fair Labor Standards Act and associated regulations that would allow an employer to take a service employee's tips for any reason other than for a valid tip pooling arrangement that is only among service employees.