

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Further Clarify Worker Payments for Clothing and Equipment**

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

**Sec. 1. 26 MRSA §629**, as amended by PL 2007, c. 357, §1 and repealed and replaced by c. 415, §1, is repealed and the following enacted in its place:

### **§ 629. Unfair agreements**

**1. Work without compensation; return of compensation.** A person, firm or corporation may not require or permit any person as a condition of securing or retaining employment to work without monetary compensation or when having an agreement, oral, written or implied, that a part of such compensation should be returned to the person, firm or corporation for any reason other than for the payment of a loan, debt or advance made to the person, or for the payment of any merchandise purchased from the employer or for sick or accident benefits, or life or group insurance premiums, excluding compensation insurance, that an employee has agreed to pay, or for rent, light or water expense of a company-owned house or building. This section does not apply to work performed in agriculture or in or about a private home.

**2. Debt.** For purposes of this subchapter, "debt" means a benefit to the employee. "Debt" does not include items incurred by the employee in the course of the employee's work or dealing with customers on the employer's behalf, such as cash shortages, inventory shortages, dishonored checks, dishonored credit cards, damages to the employer's property in any form or any merchandise purchased by a customer. "Debt" does not include uniforms, personal protective equipment or other tools of the trade that are considered to be primarily for the benefit or convenience of the employer. As used in this subsection, "uniforms" means shirts or other items of clothing bearing the company name or logo. The employer may not mandate that an employee pay for the cleaning and maintenance of a uniform, but may have a written agreement whereby the employee chooses to have a payroll deduction for the cost of cleaning and maintenance.

**3. Penalty.** An employer is liable to an employee for the amount returned to the employer by that employee as prohibited in this section.

**4. Deduction of service fees.** Public employers may deduct service fees owed by an employee to a collective bargaining agent from the employee's pay, without signed authorization from the employee, and remit those fees to the bargaining agent, as long as:

A. The fee obligation arises from a lawfully executed and implemented collective bargaining agreement; and

B. In the event a fee payor owes any arrears on the payor's fee obligations, the deduction authorized under this subsection may include an installment on a payment plan to reimburse all arrears, but may not exceed in each pay period 10% of the gross pay owed.

## **SUMMARY**

This bill prohibits an employer from charging an employee for uniforms, personal protective equipment and other tools of the trade. This bill clarifies that shirts and other items with a company logo are uniforms. It allows an employer to deduct the cost of cleaning and maintenance of a uniform upon written agreement with the employee. It also corrects a conflict created when Public Law 2007, chapter 357 and Public Law 2007, chapter 415 both substantively affected the same provision of law.