



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

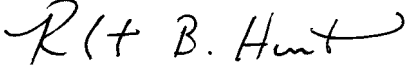
No. 61

H.P. 25

House of Representatives, January 8, 2025

An Act to Regulate Employer Surveillance to Protect Workers

Received by the Clerk of the House on January 6, 2025. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.


ROBERT B. HUNT
Clerk

Presented by Representative ROEDER of Bangor.
Cosponsored by Senator TIPPING of Penobscot.

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

2 **Sec. 1. 26 MRSA c. 7, sub-c. 1-E** is enacted to read:

3 **SUBCHAPTER 1-E**

4 **EMPLOYER SURVEILLANCE**

5 **§620-A. Employer surveillance**

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

8 A. "Employee" means an individual who provides services or labor for an employer
9 for wages or other remuneration.

10 B. "Employer" means any private or public employer, including the State and political
11 subdivisions of the State.

12 C. "Employer surveillance" means the monitoring of an employee by an employer
13 through the use of an electronic device or system, including but not limited to the use
14 of a computer, telephone, wire or radio or an electromagnetic, photoelectronic or photo-
15 optical system. "Employer surveillance" does not include the use by an employer of
16 surveillance cameras for security or safety purposes or the use of global positioning
17 system tracking or other safety devices on vehicles owned by the employer but operated
18 by the employee.

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

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

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

27 **5. Notice to prospective employee.** An employer using employer surveillance shall
28 inform a prospective employee during the employment interview process that the employer
29 engages in employer surveillance.

30 **6. Private right of action.** A person aggrieved by a violation of this section has a
31 private right of action for injunctive relief and recovery of civil penalties and attorney's
32 fees.

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

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

1 **SUMMARY**

2 This bill specifies that an employer may use employer surveillance only if the employer
3 informs the employee before beginning employer surveillance. It prohibits an employer
4 from using audiovisual monitoring in an employee's residence or personal vehicle or on the
5 employee's property and provides that an employee can decline a request by an employer
6 to install data collection or transmission applications on the employee's personal electronic
7 devices for the purposes of employer surveillance. It requires that an employer notify a
8 prospective employee during the interview process that the employer engages in employer
9 surveillance. It gives rule-making authority to the Department of Labor. It also creates a
10 private right of action for persons aggrieved by a violation by an employer.