

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 25 - L.D. 61

An Act to Regulate Employer Surveillance to Protect Workers

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

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

SUBCHAPTER 1-E

EMPLOYER SURVEILLANCE

§620-A. Employer surveillance

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

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

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

C. "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 an electromagnetic, photoelectronic or photo-optical system. "Employer surveillance" does not include the use by an employer of surveillance cameras for security or safety purposes or the use of global positioning system tracking or other safety devices on vehicles owned by the employer but operated by the employee.

D. "Personal care services" means services provided by a licensed personal care agency and includes, but is not limited to, services related to activities of daily living, household tasks and medication reminders.

2. Employer surveillance. An employer may not use employer surveillance unless the employer notifies the employee before beginning the use of employer 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 unless the audiovisual monitoring is required by the employer for duties of the job.

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

5. Notice to prospective employee. An employer using employer surveillance shall inform a prospective employee during the employment interview process that the employer engages in employer surveillance, and the employer shall provide written notice at least once per calendar year to all current employees that the employer engages in employer surveillance.

6. Personal care services settings; applicability. This section does not apply to employer surveillance that has been installed or caused to be installed by an employer, patient, client or unpaid caregiver in a setting in which personal care services are expected to be provided by an employee.

7. Penalties; enforcement. An employer that violates this section is subject to a fine of not less than \$100 and not more than \$500 for each violation. The Department of Labor shall enforce this section within existing resources using strategic enforcement.

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

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