



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1878

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H.P. 1388

House of Representatives, January 5, 2022

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### **An Act To Support Restaurants in the State through Service Charge Revenues**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT  
Clerk

Presented by Representative SHEEHAN of Biddeford.  
Cosponsored by Representatives: Speaker FECTION of Biddeford, TALBOT ROSS of Portland, TERRY of Gorham, Senators: President JACKSON of Aroostook, SANBORN of Cumberland.

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

2 **Sec. 1. 26 MRSA §664, sub-§2-C** is enacted to read:

3 **2-C. Restaurant service charges permitted.** A restaurant employer that pays all of  
4 its service employees at least a minimum wage under subsection 1 may add a service charge  
5 and shall notify the customer that the service charge does not represent a tip for service  
6 employees. The restaurant employer may use some or all of any service charge to meet its  
7 obligation to compensate all employees at the rate required by this section or for employee  
8 health benefit plans, retirement plans or any other wages or benefits.

9 **SUMMARY**

10 This bill allows restaurants that pay all of their service employees at least a minimum  
11 wage to add a service charge and requires the restaurants to notify customers that the  
12 service charge does not represent a tip for service employees. A restaurant may use the  
13 service charge for wages or benefits.