1	L.D. 949
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3	LABOR AND HOUSING
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5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	131ST LEGISLATURE
8	FIRST SPECIAL SESSION
9 10	COMMITTEE AMENDMENT " to H.P. 596, L.D. 949, "An Act to Protect Workers from Employer Surveillance"
11 12	Amend the bill by striking out everything after the enacting clause and inserting the following:
13	'Sec. 1. 26 MRSA c. 7, sub-c. 1-D is enacted to read:
14	SUBCHAPTER 1-D
15	EMPLOYER SURVEILLANCE
16	§620. Employer surveillance
17 18	1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.
19 20	A. "Employer" means any private or public employer, including the State and political subdivisions of the State.
21 22 23 24 25 26	B. "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 electromagnetic, photoelectronic or photooptical systems. "Employer surveillance" does not include the use by employers of surveillance cameras for security or safety purposes or the use of GPS tracking or other safety devices on vehicles owned by the employer but operated by the employee.
27 28	2. Employer surveillance. An employer may not use employer surveillance unless the employer notifies the employee before beginning the use of employer surveillance.
29 30 31	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.

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2	install data collection or transmission applications on the employee's personal electronic
3	devices for the purposes of employer surveillance.
4 5 6	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.
7 8 9	6. Private right of action. A person aggrieved by a violation of this section has a private right of action for injunctive relief and recovery of civil penalties and attorney's fees.
10 11 12	7. Rulemaking. The Department of Labor shall 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.
13 14 15	8. 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.'
16 17	Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.
18	SUMMARY
19 20 21 22 23 24 25 26 27	This amendment replaces the bill. The amendment specifies that an employer may use employer surveillance if the employer informs the employee before beginning employer surveillance. It prohibits an employer from using audiovisual monitoring in an employee's residence or personal vehicle or on the employee's property and provides that an employee can 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. It also requires that an employer notify a prospective employee during the interview process that the employer engages in employer surveillance. It adds rule-making authority for the Department of Labor.
28	FISCAL NOTE REQUIRED
29	(See attached)