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LABOR

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 25, L.D. 61, “An Act to Regulate Employer Surveillance to Protect Workers”

Amend the bill in section 1 in sub-c. 1-E in §620-A in subsection 1 by inserting after paragraph C the following:

'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.'

Amend the bill in section 1 in sub-c. 1-E in §620-A in subsection 3 in the last line (page 1, line 23 in L.D.) by inserting after the following: "surveillance" the following: 'unless the audiovisual monitoring is required by the employer for duties of the job'

Amend the bill in section 1 in sub-c. 1-E in §620-A in subsection 5 in the last line (page 1, line 29 in L.D.) by inserting after the following: "surveillance" the following: ',' and the employer shall provide written notice at least once per calendar year to all current employees that the employer engages in employer surveillance'

Amend the bill in section 1 in sub-c. 1-E in §620-A by striking out all of subsection 6 (page 1, lines 30 to 32 in L.D.).

Amend the bill in section 1 in sub-c. 1-E in §620-A by inserting after subsection 6 the following:

'7. 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.

8. 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.'

1 Amend the bill in section 1 in sub-c. 1-E in §620-A in subsection 7 in the first line
2 (page 1, line 33 in L.D.) by striking out the following: "shall" and inserting the following:
3 'may'

4 Amend the bill in section 1 in sub-c. 1-E in §620-A by renumbering the subsections to
5 read consecutively.

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
7 number to read consecutively.

8 SUMMARY

9 This amendment, which is the majority report of the committee, amends the bill by
10 providing an exemption from the audiovisual monitoring restriction for employers who
11 require audiovisual monitoring in the employee's residence or personal vehicle or on the
12 employee's property for duties of the job. The amendment provides an exemption for the
13 use of surveillance in personal care services settings. The amendment also requires that a
14 written notice that the employer engages in employer surveillance is given to current
15 employees at least once per calendar year and removes the private right of action provision
16 from the bill.

17 FISCAL NOTE REQUIRED

18 (See attached)