

(i) is engaged in an occupation in which the employee customarily and regularly receives more than \$30 each month in tips;

(ii) has been informed by the employer about the provisions of this section; and

(iii) has kept all of the tips that the employee received.

(2) Notwithstanding paragraph (1)(iii) of this subsection, this section does not prohibit the pooling of tips.

(b) Subject to the limitations in this section, an employer may include, as part of the wage of an employee to whom this section applies:

(1) an amount that the employer sets to represent the tips of the employee; or

(2) if the employee or representative of the employee satisfies the Commissioner that the employee received a lesser amount in tips, the lesser amount.

(c) The tip credit amount that the employer may include under subsection (b) of this section may not exceed [\$2.77] 50% OF THE MINIMUM WAGE ESTABLISHED UNDER § 3-413 OF THIS SUBTITLE FOR THE EMPLOYEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2006.

May 26, 2005

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 404 – *Courts – Certificate of Merit – Licensed Professional*.

This bill specifies that a requirement of filing a certificate of a qualified expert in specified malpractice claims applies to claims filed in a United States District Court, applies the requirement of filing a certificate of a qualified expert in malpractice claims to a claim against the employer, partnership, or other entity through which the licensed professional performs specified services, and provides for the construction and application of the Act.

Senate Bill 143, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 404.

Very truly yours,
Robert L. Ehrlich, Jr.
Governor