



Thursday, March 27, 2025

# Maine 2025 Legislative Update

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# Disclaimer

*Please note that this presentation is intended to serve as a snapshot of some of the more high-profile policy issues pending before the Maine Legislature and is not intended as a comprehensive and detailed analysis of the specific legislation that is the subject of today's presentation.*

# Major Policy Initiatives

*Past is Prologue*

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# Noncompete Agreements

2023-2024:

LD 1496, An Act to Prohibit [Restrict] Noncompete Clauses (Rep. Warren)

- Enacted (H: 79-72); Veto sustained (74-72)

2025:

LR 1817, L.D.\_\_\_\_, An Act Regarding Certain Noncompete Clauses

# Current law

## 26 M.R.S. §599-A (PL 2019, c. 513, §1).

2. Public policy; enforceability of noncompete agreements. Noncompete agreements are contrary to public policy and are enforceable only to the extent that they are **reasonable** and are **no broader than necessary to protect** one or more of the following **legitimate business interests** of the employer:

- A. The employer's **trade secrets**, as defined in Maine's Uniform Trade Secrets Act
- B. The employer's **confidential information** that does not qualify as a trade secret; or
- C. The employer's **goodwill**.
- A noncompete agreement may be presumed necessary if the legitimate business interest **cannot be adequately protected through an alternative restrictive covenant**, including but not limited to a nonsolicitation agreement or a nondisclosure or confidentiality agreement.
- **Disclosure prior to offer** of employment required. **Copy of the noncompete agreement** must be provided to the employee **no less than 3 days prior to signature**.
- **Except for physicians**, terms are **not effective until the later of**
  - › 1 year after employee's employment or
  - › 6 months from the date the agreement was signed
- Noncompete agreements are **entirely prohibited** for
  - › employees whose earnings are  $\leq 400\%$  fpl
  - › Veterinarians –if they do not have an ownership interest.

# L.D. 1496 (2024)

The enacted version of LD 1496 repealed and replaced subsection 2 of §559. The new subsection 2-A provided that

- noncompete agreements are enforceable only if they are reasonable and are not broader than necessary to protect:
  - › an employer's **trade secrets**, or
  - › an employer when the employee has an **ownership interest** in the employer.
- a noncompete agreement may be presumed necessary if the employer's **trade secrets** cannot be adequately protected through an alternative restrictive covenant, including but not limited to a nonsolicitation agreement or a nondisclosure or confidentiality agreement.
- As with the existing statute, the legislation rendered the allowed uses of noncompete agreements specified above inapplicable to employees whose earnings are at or below 400% of the federal poverty level, as well as for veterinarians.
- The legislation would have **applied retroactively** to all noncompete agreements entered into or renewed on or after September 19, 2019.

# Proposed Compromise

- **2-A. Public policy; enforceability of noncompete agreements.** Noncompete agreements are contrary to public policy and are enforceable only to the extent that they are reasonable **and are not broader or longer in duration** than necessary to protect:
  - A. The employer's trade secrets, as defined in Title 10, section 1542, subsection 4; or;
  - B. The employer, if the employee has an ownership interest in the employer.;
  - C. The employer's **good will**; or
  - D. The employer's **confidential information**.
- A noncompete agreement may be presumed necessary if the employer's trade secrets, confidential information or goodwill cannot be adequately protected through an alternative restrictive covenant, including but not limited to a nonsolicitation agreement or a nondisclosure or confidentiality agreement.
- **2-B. Definitions.** For purposes of subsection 2-A of this section, the following terms have the following meanings:
  - A. **Good will.** "Good will" means the benefit and advantage accrued to a business as a result of its devotion of time, resources and effort cultivating relationships with customers and prospective customers. Good will also extends to confidential business information, including customer lists and transactions, that have been developed through the time and effort of the business.
  - B. **Confidential information.** "Confidential information" means information that is created, obtained, or used in the employer's business and which is not generally known by the public.

**No retroactive application.**

# Paid Family Medical Leave

- L.R. 1651, An Act to Balance Support of Businesses and of Employees (Rep. Roberts)
- LD 1307, An Act to Suspend the Remittance Obligation for Paid Family and Medical Leave Private Plan Users (Sen. Bradstreet)
- L.D. 894, An Act to Amend the Laws Governing Paid Family and Medical Leave: Sen. Daughtry and Rep. Cloutier
- L.D. 575 (Sen. Tipping)
- L.D. 106, An Act Regarding the Taxation of Paid Family and Medical Leave Benefits: (MDOL)
- L.D. 1333, An Act to Make Change to the Paid Family and Medical Leave Benefits Program (Rep. Poirier)



# LR 1651: MSCC's "Top Priorities" Bill (Rep. Roberts)

1. Undue Hardship: **Strengthen definition**: "reasonableness" TBD by employer; MDOL approval not required.
2. Benefits: **Align** benefits (90%/66%) **with** those of **other states**: 60% AWW in highest paid quarter; differentiated duration of benefits based on employment type (full time, part time, seasonal, per diem).
3. Taxation: **Tax** PFML **benefits** as income.
4. Remittance/reporting **Penalties (1% of ER's Qrtly payroll)**: **Align** with other states: **≤ \$50./employee**.
5. Collective Bargaining: Clarify that ERs with CBAs do not have to negotiate EEs' share of the 1% tax.

# L.D. 1307 (Sen. Bradstreet)

*"An Act to Suspend the Remittance Obligation for Paid Family and Medical Leave Private Plan Users"* (Emergency Measure):

- MSCC's bill
- **Suspends employers'** obligation to remit **premium payments** until January 1, 2026, but allows for voluntary remittance for those who want to participate in the state plan.
- Directs MDOL to **amend** its **Rule** so as to:
  - › Establish an **expedited approval process** for private plans
  - › **Discontinue premium payment** requirement for an employer who applies for approval of a private plan **while** the **application is pending**.
  - › Addresses the central issue in *Maine State Chamber of Commerce and BIW v. Maine Department of Labor*.

# L.D. 894 (Sen. Pres. Daughtry; Rep. Cloutier)

- Clarifies that **intermittent leave** of an employee of less than 1 workday may not be taken unless it is agreed to by the employee and the employer.
- Establishes in statute the **Bureau of Paid Family and Medical Leave** within MDOL to administer the PFML program.
- Establishes **remedies for MDOL to enforce** the **collection of delinquent premium contributions, penalties and assessments** on employers that fail to make payments required by the program
- Establishes **liability of successor employers** for premium contributions, penalties and assessments owed by previous employers.
- It establishes **penalties** for employers that allow **private plan benefit coverage** to **lapse** during a period of an approved private plan substitution

## L.D. 575 (Sen. Tipping)

**Removes** the provision that the leave must be scheduled to prevent **undue hardship** on the employer.

## L.D.106 (MDOL bill)

- Benefits paid from the PFML program are subject to state income tax to the extent those benefits are not included in the taxpayer's federal adjusted gross income.
- Taxpayer's federal adjusted gross income may be reduced by the amount subject to repayment that has been previously taxed by the State.
- Allows individuals filing a new claim for family leave benefits or medical leave benefits to elect to have the administrator of the program deduct and withhold state income tax from the individual's payment of benefits at the rate of 5% and requires the administrator of the program to deduct and withhold state income tax.
- Requires the department to advise individuals filing a new claim for benefits that the benefits are subject to state income tax.

# Maine Consumer Data Privacy Legislation

The 2023 Summit and 2024 Impasse

L.D. 1973 – Sen. Keim

L.D. 1977 – Rep. O'Neill



Introduced in 2023

11 work sessions held between October 2023 and March 2024

Both resulted in divided reports that died on the floor.

# 2025

- L.D.1224, An Act to Comprehensively Protect Consumer Privacy (Rep. Roberts)
  - › CT model
- L.D. 1088, An Act to Enact the Maine Data Privacy Act (Rep. Hendersen)
  - › Hybrid
- L.R. 14, An Act to Enact the Maine Online Data Privacy Act (Rep. Kuhn)
  - › 1977 Maj. Report/MD model
- L.D. 595, An Act to Update Privacy Protections for Maine Consumers (Sen. Carney)
  - › Placeholder for 2026 to make necessary corrections to what is enacted in 2025.

# Key Issues in Contention

- **Application:** amount of data processed; number of consumers
- **Exemptions:** governmental entities; nonprofits; entity-level; data-level
- **Opt-in/Opt-out** of
  - › targeted ads/marketing
  - › Sensitive data
- **Data minimization**
- **Private right of action**



# Data Minimization

## L.D. 1977, Majority Report:

- A controller must **limit the collection and processing of personal data** to what is reasonably necessary and proportionate **to provide or maintain a specific product or service requested by the consumer**, except that
  - › the controller must limit the collection and processing of certain **sensitive data** to what is strictly necessary to provide or maintain a specific product or service requested by the consumer.
- A controller must obtain a **consumer's affirmative consent** before collecting any **biometric data**.

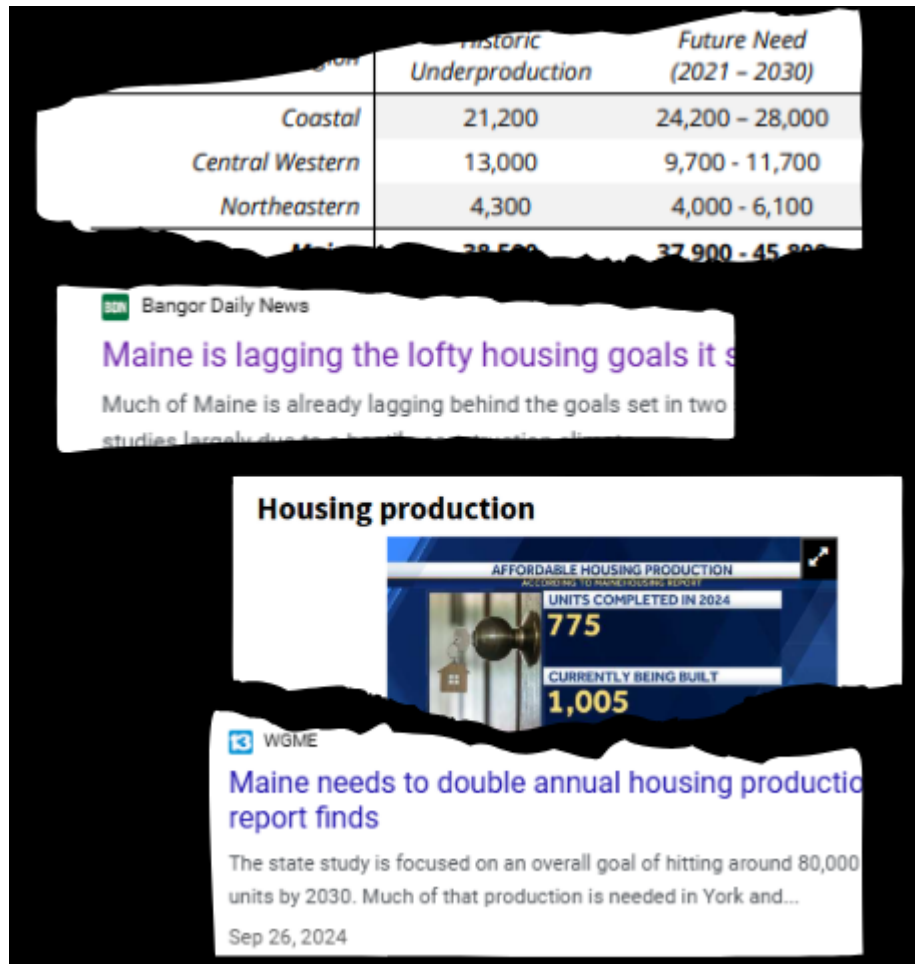
# Housing – Here to Stay

Roadmaps, Studies, and over 150 housing-related bills in the 132<sup>nd</sup>

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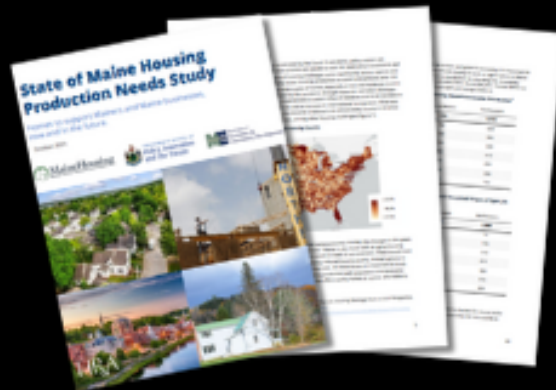
# Housing – Big Picture

76,000 new units needed by 2030, according to the Maine Housing Production Needs Study. To achieve that goal, Maine must put housing at the top of the priorities list.





# *Maine Legislature, GOPIF, Maine Housing Rise to the Challenge*



State of Maine  
Housing  
Production  
Needs Study

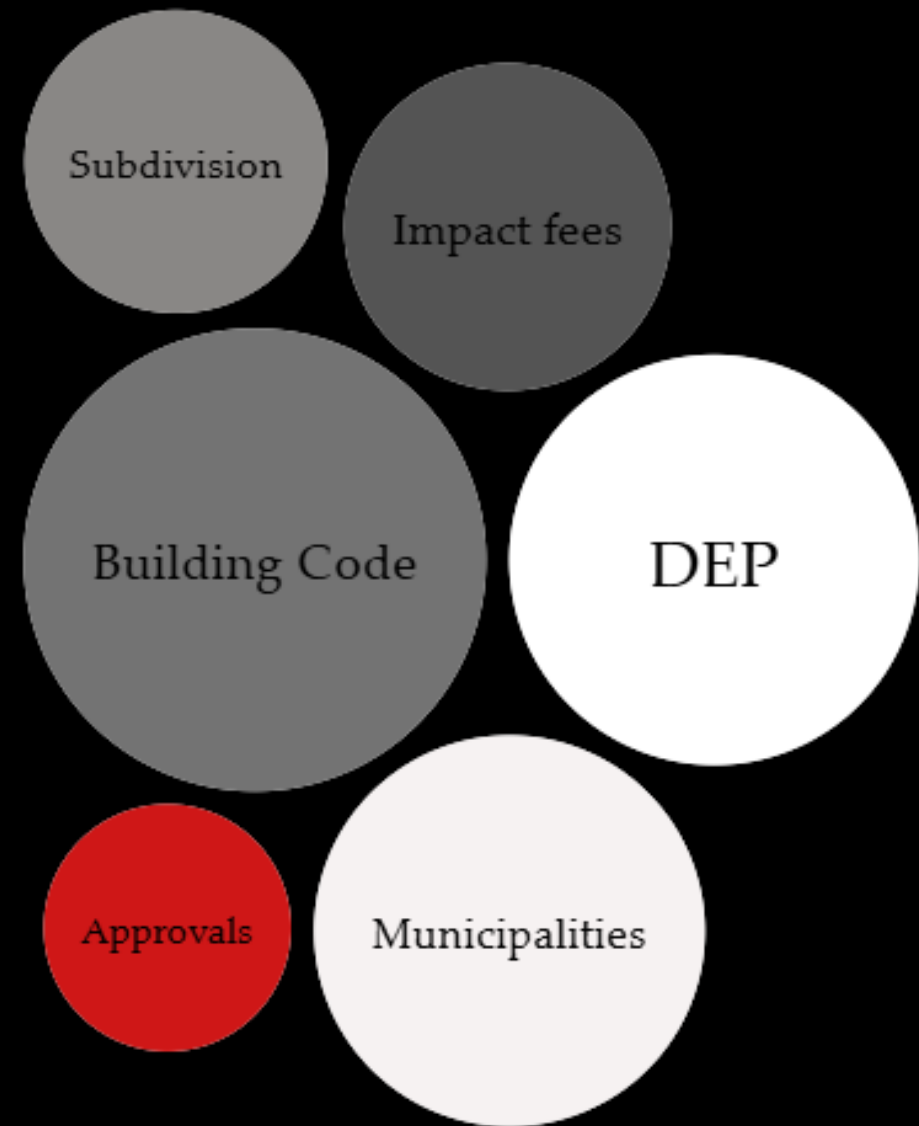


Statewide and  
Regional  
Housing  
Production Goals



Roadmap for  
Future of Housing  
Production in  
Maine

The HR&A report builds the case for streamlining government processes and building public capacity to meet the increased demand for review and approvals.



The report further calls out the need for increased transparency in approval and fees, as well as greater incentives to encourage production.

1

Streamline  
Processes and  
Build Capacity

2

Incentivize  
Production and  
Increase  
Transparency

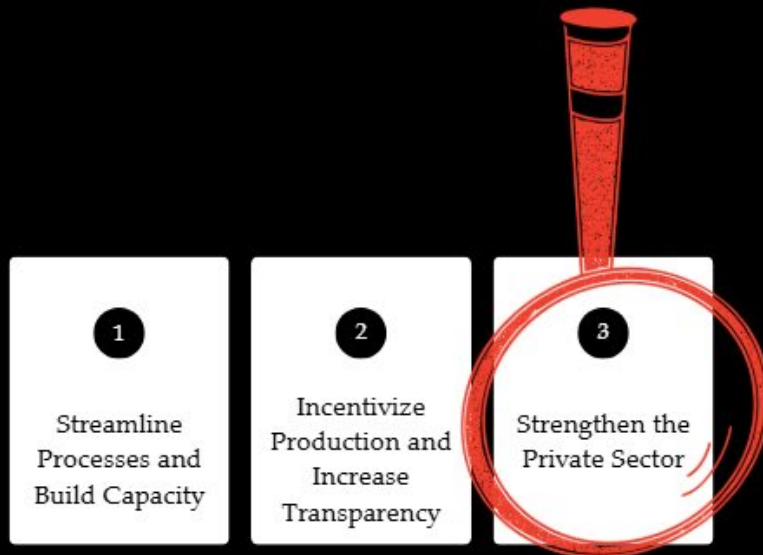
3

Strengthen the  
Private Sector

- Establish a housing appeals process.
- Renew funding for the MHTC and MHRTC.
- Develop state database of production needs and units constructed to date.
- Identify publicly owned land that can be sold to developers at a reduced price.
- Prioritize state funding for municipalities that meet housing goals (including school construction and infrastructure dollars)
- Designate an entity to ensure local compliance with state regulations.



Strengthening the private sector through work force training, encouraging developers of scale, and catalyzing innovative technologies like mass timber and 3-D printing.



# Key Recommendations for Housing Creation

- **Accelerate State Permitting** (HR&A Recommendations 1.2, 1.3, 1.4)
- **Limit Local Impact Fees** (Recommendation 1.5)
- **Raise the threshold for State subdivision review** (Recommendation 1.6)
- **Building Code** (Recommendation 1.7)
- **Revise Growth Management Laws** (Recommendation 2.3)
- **Restrictions on Acreage Limits** (Recommendation 2.3)
- **Density Bonuses** (Recommendation 2.7)
- **Recognize Municipal Housing Leadership With Discretionary Grants** (Recommendation 2.3) **and Improve Data Collection and Reporting of Progress Towards Meeting Housing Goals** (Recommendation 2.4)
- **State Zoning Board of Appeals** (Recommendation 2.5)
- **State Bonding for Housing** (Recommendation 2.6).
- **Innovative Construction Technologies** (Recommendation 3.7)



# Housing Legislation in the 132nd



Land Use  
and  
Regulatory  
Reform

Density, other  
Incentives



Alternatives



# Subdivision Review

Several housing advocacy organizations have proposed changes to the state's municipal subdivision statutes. One solution is to form a working group to take comprehensive look at the role of the subdivision statutes. Another bill would raise the threshold for review from 3 lots to 5 - mirroring a DEP proposal to allow lots that include detached residential housing designed to accommodate up to 4 families, including accessory dwelling units, instead of just single-family housing, before triggering SLODA.

# Housing Appeals Board



Rep. Traci Gere has proposed a bill to implement a housing appeals board which would provide a backstop to NIMBY appeals and an expedited review of municipal action to spur housing creation. The bill is modeled on a similar New Hampshire approach.



# Maine Office of Community Affairs (MOCA)

The new Maine Office of Community Affairs is set to take charge of most of the state's municipal land use assistance and housing creation incentivization this summer. Some items within their charge will include:

- **Community Resilience Partnership** (currently part of GOPIF)
- **Maine Coastal Program** (Department of Marine Resources)
- **Maine Floodplain Program** (Department of Agriculture, Conservation and Forestry)
- **Municipal Planning Assistance Program** (Department of Agriculture, Conservation and Forestry)
- **Housing Opportunity Program** (Department of Economic and Community Development)
- **Maine Uniform Building and Energy Code/Code Enforcement** (Office of State Fire Marshal)



R. 268 Sen. Pierce Fennes of Cumberland Title: An Act to Authorize a General Fund Bond Issue to Provide Funding for Housing  
R. 264 Sps. Fadden Ryan of Biddeford Title: An Act to Authorize a General Fund Bond Issue to Secure Property for Maine Families and Businesses  
R. 974 Sen. Bennett Richard of Oxford Title: An Act to Authorize a General Fund Bond Issue to Address Maine's Housing Shortage  
R. 1626 Rep. Goss Traci of Kennebunkport Title: An Act to Authorize a General Fund Bond Issue for Affordable Housing  
R. 603 Sen. Martin Joseph of Oxford Title: An Act to Enable Mortgage Portability and Promote Housing Affordability in the State  
R. 998 Rep. Ducharme Jack of Madison Title: An Act to Stimulate Housing Production by Increasing the Threshold Before Participation in the Maine Uniform Building and Energy Code Is Mandatory  
R. 1322 Rep. Sachs Melaine of Presque Isle Title: An Act to Establish the Maine Community Development Financial Institution Fund to Support Small Businesses, Rural Economic Development and Affordable Housing  
R. 207 Rep. Goss Traci of Kennebunkport Title: An Act to Create the Maine Housing Trust Fund  
R. 1613 Sen. Curry Chryl of Wilton Title: An Act to Repeal the Fair Housing Accessibility and Accessibility Code in Maine  
R. 788 Rep. Light Louisa of Canton of Portland Title: An Act to Preserve Accessibility and Equity in Publicly Assisted Housing Developments  
R. 1607 Rep. Julia Casale of Waterville Title: An Act to Prohibit Mandatory Arbitration Agreements in Affordable Housing Applications  
R. 1482 Rep. Golik Cheryl of Hallowell Title: An Act to Increase Bridging Rental Assistance Program Housing Vouchers Pending to Reduce the Current Partial Waitlist and Increase Housing Vouchers for Those Living with Mental Health Challenges  
R. 1208 Rep. Arthur Marshall of Saco Title: An Act to Establish a Small-Loan Guarantee Program for Affordable Housing Investments  
R. 1710 Rep. Stoves Holly of Boothbay Title: An Act to Expand the Housing Opportunities for Modest Earnings Program  
R. 1398 Rep. Warren Elysha of Scarborough Title: An Act to Clarify the Eligibility of Certified Recovery Residences for Bridging Rental Assistance Program Housing Vouchers  
R. 1232 Sen. Duane III of Cumberland Title: An Act to Preserve Publicly Assisted Affordable Housing  
R. 1203 Rep. Collins Alice of Skowhegan Title: An Act to Standardize Subsidized Housing Applications  
R. 1034 Rep. Julia Casale of Waterville Title: An Act to Ensure Equitable Access to Applications for Affordable Housing in the State  
R. 1592 Sen. Curry Chryl of Wilton Title: Resolve, to Establish a Working Group to Address Regulatory Barriers to Housing Construction  
R. 2227 Rep. Goss Traci of Kennebunkport Title: An Act to Promote Investment in Housing  
R. 1918 Rep. Rubin Holly of Deer Isle Title: An Act to Provide Funds for the Redevelopment of the Island Nursing Home into Affordable Senior Housing  
R. 2185 Rep. Casale Lydia of Newcastle Title: An Act to Reduce Housing Costs for Single-Family Homes and 5-Family Homes  
R. 2140 Rep. Goss Traci of Kennebunkport Title: An Act to Create the Statewide Housing Appeals Board  
R. 2092 Rep. Goss Traci of Kennebunkport Title: An Act to Allow Residential Housing on Church Property Located in Commercial Zones  
R. 1929 Rep. Goss Traci of Kennebunkport Title: Resolve, to Regulate the Preparation of Preapproved Building Types  
R. 2078 Sen. Bradstreet Dick of Kennebuc Title: Resolve, to Prepare Preapproved Building Types  
R. 2145 Rep. Fiedelingham Billy Bob of Winter Harbor Title: An Act to Limit Municipal Impact Fees on Housing Development  
R. 2012 Rep. Stoves Holly of Boothbay Title: An Act to Address Housing Density Requirements in Sole Source Aquifer and Watershed Communities  
R. 2261 Sen. Libby James of Cumberland Title: An Act to Update Language on Self-Check Valances for Single-Family Dwellings  
R. 1318 Sen. Bennett Richard of Oxford Title: Resolve, Reestablishing a Working Group to Examine the Potential of Innovative Construction Technologies to Reduce Costs and Accelerate Housing Production in Maine  
R. 680 Sen. Beldard Joseph of Presque Isle Title: An Act to Support Mobile Home Residents in Purchasing Their Mobile Home Pools  
R. 849 Rep. Golik Cheryl of Hallowell Title: An Act to Amend the Laws Governing Manufactured Home Parks LR 1930 Rep. Arthur Poppy of Brunswick Title: An Act to Provide Additional Funding for the Manufactured Home and Mobile Home Park Preservation and Assistance Program Within the Maine State Housing Authority  
R. 602 Sen. Remy Cameron of Lincoln Title: An Act to Create a Registry for Mobile Home Parks  
R. 1912 Sen. Bradstreet Dick of Kennebuc Title: An Act to Improve the Process for All Mobile Home Tenants Regarding the Purchase of Mobile Home Pools  
R. 1427 Rep. Golik Cheryl of Hallowell Title: An Act to Clarify Licensing Jurisdiction for the Manufactured Housing Communities  
R. 2134 Rep. Granich Lori of Old Orchard Beach Title: An Act to Support the Creation of Resident-Owned Mobile Home Parks  
R. 1472 Sen. Nangle Tim of Cumberland Title: An Act to Protect Residents Living in Mobile Home Parks  
R. 1607 Sen. Remy Cameron of Lincoln Title: An Act Amending the Rules and Regulations of the Manufactured Housing Board  
R. 2185 Sen. Remy Cameron of Lincoln Title: An Act to Fund the Mobile Home Community Preservation Fund  
R. 1189 Rep. Julia Casale of Waterville Title: An Act to Remove Affordable and Public Housing for Mobile Home Park Residents  
R. 2002 Rep. Henderson Rachel of Bangor Title: An Act to Address the Housing Code by Strengthening Residential Property Owners' Rights Against Squatters  
R. 971 Sen. Goss Traci of Kennebunkport Title: An Act to Protect Homelessness from Squatters, Rent and Destruction of Real Property  
R. 268 Sps. Fadden Ryan of Biddeford Title: An Act to Address the Housing Crisis by Reducing Barriers to Building More Accessory Dwelling Units  
R. 217 Sen. Talbot Rose Rachel of Cumberland Title: An Act to Enact the Fair Chance in Housing Act  
R. 1303 Rep. Goss Traci of Kennebunkport Title: An Act to Repeal Municipal Ordinance Requirements Regarding Housing Developments  
R. 1162 Rep. Malone, H Marc of Biddeford Title: An Act to Increase the Availability of Housing by Allowing Residential Use Development in Commercial Districts  
R. 882 Sen. Bailey Donna of York Title: An Act Enabling Municipalities to Protect Tenants and Stabilize Rents  
R. 262 Sps. Fadden Ryan of Biddeford Title: An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses  
R. 790 Rep. Schofield Mike of Phillips Title: An Act to Amend the Laws Regarding Zoning and Land Use Restrictions to Limit Certain Requirements to Municipalities with a Population of More than 10,000  
R. 1214 Rep. Cooper Mark of Westbrook Title: An Act to Ensure the Exemption of Certain Agricultural Buildings from the Maine Uniform Building and Energy Code Includes Maple Sugarcroppers  
R. 2162 Rep. Goss Traci of Kennebunkport Title: An Act to Promote Municipalities Contributing to Meeting Regional Housing Goals  
R. 287 Rep. Ducharme Jack of Madison Title: Resolve, Directing the Department of Agriculture, Conservation and Forestry to Commence a Statewide Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Laws  
R. 2185 Sen. Libby James of Cumberland Title: An Act to Update Language on Self-Check Valances for Single-Family Dwellings  
R. 1996 Rep. Radford Shelley of Fairfield Title: An Act to Regulate Radon Testing in New Commercial and Residential Construction  
R. 1646 Rep. Roberts Tiffany of South Portland Title: An Act to Amend Maine's Municipal Subdivision Standards to Promote Housing Creation  
R. 2072 Rep. Sara Ambrose of Bangor Title: An Act to Create a Residential Rental Unit Registry  
R. 734 Rep. Golik Cheryl of Hallowell Title: An Act to Prohibit Housing Discrimination Based on an Individual's Source of Income  
R. 1021 Rep. Ede John of Waterville Title: An Act to Regulate Certain Rental Housing in the State to Meet Minimum Insulation Levels by 2025  
R. 1906 Sen. Bailey Donna of York Title: An Act Regarding Pets in Rental Housing  
R. 2099 Rep. Goss Traci of Kennebunkport Title: An Act to Extend Rent-to-own Protections to Mobile Home Park Tenants  
R. 1338 Pres. Daughtry Matthew of Cumberland Title: An Act to Implement the Recommendations of the Office of Policy Innovation and the Future Regarding the Development of Affordable Housing  
R. 602 Rep. Zager Sen. of Portland Title: An Act to Implement the Recommendations of the Maine State Housing Authority Regarding Efforts to Improve Access to Credit for Low-Income Renters  
R. 1161 Rep. Smith Kristina of Palermo Title: An Act to Protect Identity Homeowners in Home Share Agreements  
R. 1329 Rep. McCabe Julia of Lewiston Title: An Act to Reestablish Maine's Aging Housing Stock and Promote Homeownership  
R. 1410 Rep. Malone, H Marc of Biddeford Title: An Act to Support the creation of results to Address Homelessness in Maine  
R. 994 Rep. Malone, H Marc of Biddeford Title: An Act to Prohibit Affordable Housing for Working Families by Expanding Barriers for Funding from the Maine State Housing Authority  
R. 2004 Rep. Arthur Poppy of Brunswick Title: An Act to Grant State Property Simple Program Down State to Affordable Housing Resident-owned Cooperatives  
R. 125 Sen. Remy Cameron of Lincoln Title: An Act to Encourage Resident-owned Communities and Cooperatives and Preserve Affordable Housing Through Tax Credits  
R. 826 Rep. Riedemann Gary of Bar Harbor Title: An Act to Authorize a Local Option Sales Tax on Short-Term Lodging to Fund Municipalities and Affordable Housing  
R. 228 Rep. Goss Traci of Kennebunkport Title: An Act to Establish a Community Resilience Fee to Support Climate Action and Affordable Housing  
R. 622 Rep. Ede John of Waterville Title: An Act to Create a Property Tax Incentive for Employers to Provide Housing for Their Employees  
R. 827 Rep. Riedemann Gary of Bar Harbor Title: An Act to Establish a Graduated Real Estate Transfer Tax to Be Used for Affordable Housing  
R. 1728 Rep. Walker Mark of Naples Title: An Act to Impose a 5-year Tax Moratorium on All Profits from the Sale of Newly Built Housing  
R. 1202 Sen. Bennett Richard of Oxford Title: An Act to Eliminate Double Taxation on Housing Constructed Off-site  
R. 818 Rep. Shield Charles of Portland Title: An Act to Allow a Local Option Sales Tax on Short-Term Lodging to Fund Affordable Housing  
R. 1418 Rep. Salisbury Suzanne of Westbrook Title: An Act to Clarify Affordable Housing Tax Increment Financing  
R. 1141 Rep. Rubin Amy of Portland Title: An Act to Regulate the Use of Tax-Increment Revenue for Affordable Housing by Adding Authorized Project Costs

# Housing is Here to Stay



# Labor and Employment Legislation

Pay Disclosure, Flexible Work Schedules, Employer Surveillance, and more

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# Employment Practices – Hiring

## **LD 54, An Act to Require Employers to Disclose Pay Ranges and Maintain Records of Employees' Pay Histories (Rep. Roeder)**

- This bill would require employers with 10 or more employees to include pay ranges in job postings. Employers also would be required to disclose the pay range for an employee's current position upon request and to keep records of each employee's position and pay history for the duration of their employment and for three years after termination.
  - › During the work session, the bill was amended to clarify that the definition of "range of pay" would not include compensation based solely on commission, and that the requirement statement regarding compensation that is included in the job posting would be limited to a statement that the position is compensated solely based on commission.
  - › Voted, March 4, 2025, Divided Report (Maj: OTP-AM; Min: ONTP).

## **LD 941, An Act Requiring Employers to Disclose Wage Ranges in Job Postings (Rep. Archer)**

- › This bill would require employers with 10 or more employees to include a wage range in job postings for positions in the state. Employers could pay outside the listed range in good faith based on market conditions, experience, or education.

*Rep. Roeder introduced a similar bill last session – LD 936, An Act to Require Disclosure of Pay Ranges and Record Keeping of Pay History – that died upon the conclusion of the 131st Legislature.*

# Employment Practices – Work Hours

## **LD 60, An Act to Allow Employees to Request Flexible Work Schedules (Rep. Roeder)**

- This bill would allow employees to request flexible work schedules in writing, including electronically. Employers would be required to consider the employee's request and whether the request could be granted in a manner that is not inconsistent with employer operations. The employer would not be required to grant a request by an employee. The bill would require flexible work schedules to be mutually agreed upon, and employers could rescind them with reasonable notice. Employers could not retaliate against employees for using these rights, and collective bargaining agreements could grant more extensive rights.
  - › During the work session, the bill was amended to: (1) Remove the private right of action and clarify that enforcement would be overseen by the Department of Labor; (2) Clarify that acceptance of the employee's request for a flexible work schedule constitutes mutual agreement; and (3) Add workplace safety to the definition of "Inconsistent with employer operations."
  - › Voted, March 4, 2025, Divided Report (Maj: OTP-AM; Min: ONTP)

*Rep. Roeder introduced a similar bill last session – LD 827, An Act to Allow Employees to Request Flexible Work Schedules – that died upon the conclusion of the 131st Legislature.*



# Employment Practices – Work Hours (cont.)

## **LD 599, An Act to Codify the Federal Paid Overtime Salary Threshold (Sen. Tipping)**

- This bill would set the overtime salary threshold at the highest of: (1) Three thousand times Maine's minimum hourly wage; (2) A salary level of \$58,656\*; (3) The 35th percentile of weekly earnings for full-time salaried workers in the lowest-wage census region, as reported by the U.S. Department of Labor, Bureau of Labor Statistics, and calculated every three years thereafter; and (4) The annualized rate established by the U.S. Department of Labor under the federal Fair Labor Standards Act. Employees earning below this threshold would be eligible for overtime pay and minimum wage protections.
  - › Three thousand times Maine's minimum hourly wage is \$43,951 in 2025.
  - › During the work session, the bill was amended to change the title of the bill to remove the reference to federal law and to add an effective date of January 1, 2026.
  - › Voted, March 26, 2025, Divided Report (Maj: OTP-AM; Min: ONTP).

### \*Federal Decision

The federal rule on which this proposal is based was recently struck down by the U.S. District Court for the Eastern District of Texas, which ruled that the Department of Labor had exceeded its authority by prioritizing salary over job duties in determining exempt employees.

- Both Maine and federal law use a three-pronged test to determine if an employee is exempt from the overtime provisions of the law. The three prongs are:
  - (1) The employee must be paid on a salary basis.
  - (2) The salary must exceed a certain salary threshold.
  - (3) The employee's job duties must meet certain tests.
- The federal salary threshold remains at \$35,568 for 2025.
- Maine is one of only six states – Alaska, California, Colorado, Maine, New York, Washington – that set a salary threshold above the federal level.

*Sen. Tipping introduced a similar bill last session – LD 513, An Act Regarding Overtime Protections for Certain Maine Workers – that died upon the conclusion of the 131st Legislature.*

# Employment Practices – Work Environment

## **LD 61, An Act to Regulate Employer Surveillance to Protect Workers (Rep. Roeder)**

- This bill would require that employers inform employees before beginning surveillance. The bill would prohibit audiovisual monitoring in employees' homes, personal vehicles, or property and would allow employees to decline data collection apps on their personal devices. Employers would be required to disclose surveillance practices to job candidates during interviews. The Department of Labor would be granted rulemaking authority, and employees could take legal action if employers violate these rules.
  - › During the work session, the bill was amended to: (1) Provide an exemption for those jobs where employer surveillance is necessary for job function, either in the home or in a vehicle (such as, remote bank tellers or in-home health aides); (2) Require employers to provide written notice at least once per calendar year to all current employees that the employer engages in employer surveillance; (3) Remove the private right of action; (4) Provide that the Department of Labor may adopt rules to implement the provisions governing employer surveillance; and (5) Include a penalties provision (not less than \$100 and not more than \$500 for each violation).
  - › Voted March 4, 2025, Divided Report (Maj: OTP-AM; Min: ONTP).

*Rep. Roeder introduced a similar bill last session – LD 949, An Act to Protect Workers from Employer Surveillance – that died upon the conclusion of the 131st Legislature.*

# Compensation - Wages

## **LD 799, An Act to Report Gender Wage Gaps (Rep. Roeder)**

- This bill would require employers with at least one employee in the state and 250 employees nationwide to report annually on the number of male, female, and nonbinary employees, their median hourly pay rates, and the gender wage gap. The report would cover a one-week period between October 1st and December 31st of the prior year, calculating the wage gap by dividing the median pay of male employees by that of female employees.
  - › During the work session, the bill was amended to include a fiscal note.
  - › Voted, March 19, 2025, Divided Report (Maj: OTP-AM; Min: ONTP).

*The analyst noted at the work session that the bill does not require the covered employer to submit job titles with either the median hourly equivalent rates of pay or with the number of male and female employees. This means that while the bill could lead to some wage gap data industry-wide, it likely would not provide information on gender wage gaps on a job-by-job basis.*

# Compensation – Wages (cont.)

## **LD 598, An Act to Require Minimum Pay for Reporting to Work (Sen. Tipping)**

- This bill would provide that if an employer cancels or reduces an employee's scheduled shift after the employee arrives for work, the employee must receive either 2 hours of pay at their regular hourly rate or the total scheduled pay – whichever is less. Employers who make a genuine effort to notify employees in advance of cancellations would be exempt from paying. The bill would not apply in cases of adverse weather, natural disasters, civil emergencies, employee illness, or workplace injury. Public employers and certain seasonal employers would be exempt. The bill would cover businesses with at least 10 employees working over 120 days a year.
  - › Public Hearing, April 1, 2025, at 1:00PM.

*Sen. Tipping introduced a similar bill last session – LD 1190, An Act to Require Minimum Pay for Reporting to Work – that died upon the conclusion of the 131st Legislature.*

# Concept Draft Legislation

The following bills have been submitted as concept drafts, meaning they were introduced with only a title and a brief summary:

- **LD 571**, An Act to Improve Conditions for Maine Workers and Retirees (Sen. Tipping)
- **LD 572**, An Act to Improve Maine's Workers' Compensation Laws (Sen. Tipping)
- **LD 573**, An Act to Improve Penalty Collection for Labor Protection Violations (Sen. Tipping)
- **LD 574**, An Act to Improve Labor Conditions for Workers in the State (Sen. Tipping)
- **LD 578**, An Act to Improve Occupational Regulation (Sen. Tipping)
- **LD 669**, An Act to Regarding Labor (Rep. Roeder)



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