

MAINE — State Laws by Topic

➤ AGE ◀

It is an unlawful employment practice, unless a *bona fide* occupational qualification exists, for an employer to refuse to hire or otherwise discriminate against an employee or applicant based on age. **Note:** State law does not define a protected age group.

It is also generally unlawful for employers to elicit or attempt to elicit, as well as make a record of, information pertaining to an individual's age. In addition, employers cannot use an employment application form or other personnel forms that contain questions or entries that directly or indirectly pertain to age.

Employers must refrain from posting help-wanted ads that indicate a preference, limitation, specification, or discrimination based on age.

For purposes of state law, an employer means having one or more employees.

➤ AIDS ◀

Discrimination: Employers are expressly prohibited from discriminating against an individual with AIDS or an AIDS-related virus.

Testing: Employers must obtain written, informed consent from an individual before testing for AIDS.

➤ ARRESTS/CONVICTIONS ◀

No general provision prohibiting an employer's collection and use of arrest or conviction records.

➤ BREAKS ◀

A 30-minute meal break must be provided to employees who work at least six hours. *Exceptions:* Meal breaks set by union contracts override the law. Employers may be excluded from the law if compliance would jeopardize safety; the nature of the job allows for frequent breaks; or fewer than three employees are on duty.

➤ BREAST-FEEDING ◀

All private and public employers must provide adequate unpaid break time or permit the use of paid break time or meal time each day so that an employee can express breast milk for her child for up to three years following childbirth. Employers must make reasonable efforts to provide a clean, private room or other location, other than a toilet stall, where the employee can express milk.

Employers are prohibited from discriminating in any way against employees who choose to express breast milk at work.

In addition, a woman may breast-feed her child in any location, public or private, where she is authorized to be present.

➤ CHILD LABOR ◀

Click on the following link www.maine.gov/labor/labor_laws/wagehour.html for Maine's Department of Labor, Wage and Hour Division home page, which has links to child labor information.

➤ CHILD SUPPORT ◀

Employers served with a child support order must begin withholding immediately. Amounts withheld are remitted within seven business days after employee is paid. Notify the state within 15 days if the employee-obligor terminates.

➤ COURT ATTENDANCE ◀

Employers must grant reasonable and necessary leave from work, with or without pay, for an employee to prepare for and attend court proceedings where needed because the employee or a child of the employee is a victim of violence, assault, sexual assault, stalking, or any act that would support an order for protection. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising the right to such leave.

An employer does not have to grant this leave if: 1) it would sustain undue hardship from the employee's absence; 2) the request is not communicated to the employer within a reasonable time under the circumstances; or 3) the requested leave is impractical, unreasonable, or unnecessary based on the facts when made known to the employer.

➤ DISABILITIES ◀

It is an unlawful employment practice, unless a *bona fide* occupational qualification exists, for an employer to refuse to hire or otherwise discriminate against an employee or applicant based on a physical or mental disability.

It is also generally unlawful for employers to elicit or attempt to elicit, as well as make a record of, information pertaining to an individual's physical or mental disability. In addition, employers cannot use an employment application form or other personnel forms that contain questions or entries that directly or indirectly pertain to a physical or mental disability.

Employers must refrain from posting help-wanted ads that indicate a preference, limitation, specification, or discrimination based on a physical or mental disability.

A disability is defined as an impairment that: 1) substantially limits one or more of an individual's major life activities; 2) significantly impairs physical or mental health; or 3) requires special

education, vocational rehabilitation, or related services. The existence of a physical or mental disability is to be determined without regard to mitigating measures.

In addition, the definition of a disability includes having “per se” disabilities, i.e., conditions that inherently constitute disabilities as outlined in the law itself, without regard to their severity; having a record of any protected conditions; and being regarded as likely to develop or having any protected conditions. For purposes of state law, an employer means having one or more employees.

➤ DRUG TESTING ◀

Employee testing is permitted based on probable cause, which is defined as a reasonable ground for belief that an employee is under the influence of a substance of abuse. Probable-cause findings must be in writing, and a copy must be given to the employee.

Random drug testing is permitted if bargained for with employees’ representatives or where the use of drugs would involve an unreasonable threat to the health and safety of co-workers or the public.

Pre-employment testing is permitted if the testing is part of a conditional offer of employment, or if the applicant has been placed on an eligibility roster.

While testing is permitted in the previously mentioned situations, employers may not require, request, or suggest that an employee or applicant submit to a substance abuse test that is not in compliance with Maine’s Substance Abuse Testing Law.

An employer may not require, request, or suggest that any employee or applicant sign or agree to any form or agreement that attempts to absolve the employer from any potential liability arising out of the substance abuse test, or waive an employee’s or applicant’s rights or diminish the employer’s obligations.

Before establishing any substance abuse testing program, an employer with more than 20 full-time employees must have a functioning employee assistance program and must develop a written substance abuse testing policy, which includes, at a minimum, the following.

1. The procedures for and consequences of an employee’s voluntary admission of a substance abuse problem.
2. A description of when substance abuse testing may occur.
3. An outline of the procedures to be used for collecting test samples.
4. The method for storing samples before testing.
5. The chain of custody to protect samples from tampering.
6. The substances to be tested for.
7. The level at which the presence of a substance tested for is considered a positive test result.
8. The consequences of a confirmed positive test result.
9. The consequences of refusing to submit to a drug test.

10. Opportunities for rehabilitation following a confirmed positive test result.
11. The appeal procedure for a confirmed positive test result.
12. Other information that may be required by the Department of Labor.

Employees who test positive for substance abuse must be notified and given the chance to participate in a rehabilitation program. Employees who successfully complete a rehabilitation program cannot be fired. Employees who refuse to participate in a rehabilitation program, fail to comply with a program's requirements, don't complete their program within six months, or again test positive may be fired.

Employers must consult with employees in the development of any portion of a substance abuse testing policy that relates to current employees. A copy of the final written policy must then be sent to the Department of Labor. The policy may not be implemented until it is approved by the Department.

Note: Employers with 50 or more employees may establish random or arbitrary drug testing for non-union employees. The employer must form a committee, including at least 10 employees, to develop the written policy. Selection of the employees to be tested must be made by a third party and the state must approve the policy.

Notification: At least 30 days before any portion of the policy that applies to employees takes effect, each employee must receive a copy of an approved, written policy. In addition, each employee must receive a copy of any change in an approved, written policy at least 60 days before any portion of the policy that applies to employees takes effect. The 30- and 60-day notification requirements do not apply to applicants, who must be provided with a copy of a written policy prior to the commencement of testing.

➤ FAMILIAL/MARITAL STATUS ◀

No provisions specified in the general employment context.

The state recognizes same-sex marriage. Therefore, couples in same-sex marriages are entitled to the same protections as heterosexual married couples.

➤ FAMILY/MEDICAL LEAVE ◀

Coverage: Any business entity that employs 15 or more employees at one location in the state.

Employee eligibility: Employees who have been employed for 12 consecutive months are eligible for state family and medical leave.

Length of leave: Covered employers must provide eligible employees with family and medical leave of up to 10 workweeks in any two years. Intermittent or reduced schedule leave may be taken.

Reasons for leave: 1) the birth of a child, or the adoption of a child 16 years old or younger; 2) the serious health condition of an employee's child, parent, sibling, or spouse; or 3) the employee's own serious health condition.

Note: The state's family and medical leave laws extend to domestic partnerships. Therefore, employees are permitted to take protected leave to care for a domestic partner or a domestic partner's child, or for the birth or adoption of a child by the employee's domestic partner.

Paid leave: The employer must allow employees to use paid leave for the care of an immediate family member who is ill.

Benefits: Employers are required to allow employees to continue their benefits during the leave at the employees' expense; however, an employer and employee may negotiate for the employer to maintain benefits at the employer's expense during the leave. The taking of leave may not result in the loss of any employee benefit accrued before the leave was taken.

Notification: To qualify for leave, employees must give at least 30 days' notice of the intended dates upon which family and medical leave will begin and end, unless such notice is prevented by a medical emergency.

Certification: Employers may require certification from a physician or an accredited spiritual healer to verify the amount of leave requested by employees. The employer and employee may negotiate for more or less leave, but both parties must agree.

Reinstatement: Upon return from family and medical leave, employees must be restored to the positions held prior to the leave or to positions with equivalent seniority, status, benefits, and pay, unless the employer can prove that conditions make such restoration impossible.

See also military leave.

➤ GENETIC TESTING ◀

Employers may not discharge, refuse to hire, or otherwise discriminate against an employee or applicant on the basis of genetic information concerning that individual, because of an individual's refusal to submit to a genetic test or make available the results of a genetic test, or because an individual received a genetic test or genetic counseling, except when based on a *bona fide* occupational qualification.

➤ HEALTH CARE CONTINUATION COVERAGE ◀

Continuation coverage requirements apply to employer-sponsored group health plans that do not meet federal COBRA requirements. Eligible employees have the right to continue coverage for up to 12 months. **Note:** Eligibility has been expanded to include individuals who are permanently laid off from their eligible employment; previously, eligibility was limited to individuals who were temporarily laid off or who lost employment because of a Workers' Compensation-compensable injury or disease.

Click on www.mainelegislature.org/legis/statutes/24-A/title24-Asec2809-A.html to access the state law.

➤ **JURY DUTY** ◀

Employers may not deprive an employee of employment or health insurance coverage, or threaten or otherwise coerce the employee with respect to loss of employment or health insurance coverage, because the employee receives or responds to a summons for jury service, serves as a juror, or attends court for prospective jury service.

➤ **LIFESTYLE DISCRIMINATION** ◀

Employers cannot require, as a condition of employment, that employees or prospective employees refrain from using tobacco products outside the course of their employment, or otherwise discriminate against any person with respect to compensation, terms, conditions, or privileges of employment for using tobacco products outside the course of employment, as long as the individual complies with any workplace policy concerning the use of tobacco.

➤ **MASS LAYOFF NOTIFICATION** ◀

Employers that employ 100 or more workers at any time within the preceding 12 months must provide 60 days' written notice of a plant closing to the employees of that business, officers of the municipality in which the business is located, and the state Bureau of Labor. If the employer relocates a business within the state, it must provide 60 days' written notice of the relocation to the Bureau of Labor. If the employer proposes to relocate outside of the state, it must provide 60 days' written notice of the relocation to employees and the municipal officers of the municipality where the plant is located.

Notice duties apply to:

1. relocations in which all or most operations are moved to a site 100 or more miles away; and
2. instances in which a substantial cessation of operations cause the number of people employed, hours worked, units or volumes produced, or gross receipts billed to drop at least 50% below the level in an equivalent pay or other period occurring 52 weeks before the cutback.

Whenever an employer lays off 100 or more employees at a covered establishment, the employer must report to the Director of Labor Standards, within seven days, the expected duration of the layoff and whether it is of indefinite or definite duration. The employer must also update the report at least every 30 days to help the Director determine whether the layoff constitutes a termination or relocation or if there is substantial reason to believe affected employees will be recalled within a reasonable time.

➤ **MEDICAL DONATION LEAVE** ◀

Organ donation is a permissible reason for taking leave under the state's family and medical leave laws.

➤ MILITARY LEAVE ◀

Any member of the military forces, including the Maine Army, the Maine Air National Guard, and the reserves of the U.S. Armed Forces, who, in response to federal or state orders, takes a military leave of absence from a non-temporary position must give notice to his/her employer of an intended absence for military duty. Military leave may be with or without pay, at the employer's discretion.

Reinstatement: Employees must be reinstated without loss of pay, seniority, benefits, status, and any other advantages of employment as if they had remained continuously employed, provided they: 1) give notice of the need to be absent for military leave; 2) give confirmation of a satisfactory completion of military service; and 3) are qualified to perform the duties of their positions.

Employers may not require employees returning from military leave to report back to work until after the time necessary for transportation from the place of service to the employee's residence, and an additional amount of time depending on the length of military service. Those amounts are:

- 24 hours for periods of military service of three days or less;
- 48 hours for periods of military service of more than three days but not more than 15 days;
- 72 hours for periods of military service of more than 15 days but not more than 30 days;
- 14 days for periods of military service of more than 30 days but not more than 180 days; or
- 90 days for periods of military service of more than 180 days.

Family military leave: Employers with more than 15 employees must provide up to 15 days of unpaid leave per deployment to employees whose spouses, domestic partners, or children are called to military service lasting longer than 180 days. Employees who qualify for leave must have worked for the same employer for at least 12 months and have at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

Leave may be taken: 1) 15 days immediately prior to deployment; 2) during deployment, if the military member is granted leave; and/or 3) 15 days immediately following the period of deployment.

Employers must give employees the opportunity to continue their benefits at their own expense during leave. Alternatively, employers and employees may negotiate for the employer to maintain benefits.

Employees taking at least five consecutive days off must give at least 14 days' notice. When possible, employees must consult with their employers regarding the scheduling of their leave. Employees taking fewer than five consecutive days must give their employers as much advance notice as practicable.

An employer may require an employee to provide certification from the proper military authority to verify the employee's eligibility.

An employer cannot discharge, fine, suspend, expel, or discipline an employee for taking family military leave.

Employees must be reinstated to their former positions when they return. If that position isn't available, they must be given a position of equivalent seniority, benefits, pay, and other terms of employment. Union contracts that give employees greater benefits continue to apply.

Note: Under family medical leave requirements, employees are entitled to a leave of absence for the death or serious health condition of a spouse, domestic partner, parent, or child incurred while on active duty as a member of the military.

➤ **MINIMUM WAGE** ◀

Minimum hourly wage/overtime rate: \$9/\$13.50; \$10/\$15, eff. 1-1-18; \$11/\$16.50, eff. 1-1-19; \$12/\$18, eff. 1-1-20.

Basis for overtime: Over 40 hours/week.

Opportunity wage for under 20-year-olds: None.

➤ **NATIONAL ORIGIN** ◀

It is an unlawful employment practice, unless a *bona fide* occupational qualification exists, for an employer to refuse to hire or otherwise discriminate against an employee or applicant based on national origin or ancestry.

Generally speaking, employers may not elicit or attempt to elicit, or make a record of, information pertaining to an individual's national origin or ancestry. In addition, employers cannot use an employment application form or other personnel forms that contain questions or entries that directly or indirectly pertain to national origin or ancestry.

Employers must refrain from posting help-wanted ads that indicate a preference, limitation, specification, or discrimination based on national origin or ancestry.

For purposes of state law, an employer means having one or more employees.

➤ **NEW-HIRE REPORTING** ◀

Data to be reported: Employee's name, address, SSN, date of hire; employer's name, address, federal EIN, state UC or unified identifier number; report independent contractors who anticipate receiving \$2,500 or more.

Employers must report as new hires employees who have been off the payroll for at least 60 consecutive days.

Reporting deadline/form: Within 7 days of hire or rehire; on W-4s.

➤ **OVERTIME** ◀

Basis for overtime: Over 40 hours in a workweek.

The state has clarified that it follows the white-collar regulations that were in effect *before* the August 23, 2004 release of the revised federal regs. In addition, to be exempt under state law,

bona fide executives, administrators, or professionals must earn more than the greater of 3,000 times the state minimum wage (i.e., $\$6.50 \times 3,000 = \$19,500$), or the annual salary established under the new final federal regs (i.e., $\$23,660$).

➤ PAY STATEMENTS ◀

Information required: Hours worked; pay period; gross/net pay; itemized deductions.

➤ PERSONNEL FILES ◀

Both private and public employers must provide employees with an opportunity to review their personnel file, including formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits, and non-privileged medical records. If the employer does not comply within 10 days of receiving a written request, the employee may sue for damages and attorney fees. Employers are allowed to charge employees a reasonable copying fee.

Records may be maintained in any form, including paper, microfiche, or electronic form. Employers that maintain records in a form other than paper must have available to employees, former employees, or duly authorized representatives of employees or former employees the equipment necessary to review and copy a personnel file.

➤ POLYGRAPH TESTING ◀

No employer may, directly or indirectly, require, request, or suggest that any applicant submit to a polygraph examination as a condition of obtaining employment, or administer or cause to be administered to an applicant any such examination, or use or refer to the result of such an examination for hiring purposes.

In addition, no employer may, directly or indirectly, require, request, or suggest that any employee submit to a polygraph examination as a condition of employment; or administer or cause to be administered to any employee any such examination; or use, or refer to the result of such an examination for employment.

Voluntary testing: The prohibition against polygraph testing does not prevent an employee from voluntarily requesting a polygraph examination in connection with employment, or bar an employer from using or referring to the results of any examination so requested, provided that:

1. the results of that examination are not used against the employee by the employer for any purpose;
2. the employer gives the employee a copy of this law when the employee requests the examination; and
3. the examination is recorded or a witness of the employee's choice is present during the examination, or both, as the employee requests.

➤ **POSTING REQUIREMENTS** ◀

Unemployment Insurance — All employers

Note: The Maine Department of Labor requires the Unemployment Insurance poster to be 8 1/2" × 14" (legal size).

Workers' Compensation — All employers

Minimum Wage (English & Spanish) — All employers

Occupational Safety & Health Regulations — Government agencies only

Sexual Harassment — All employers

Whistleblowers' Protection Act (English & Spanish) — All employers

Regulation of Employment (English & Spanish) — All employers

Video Display Terminal Law (English & Spanish) — All employers with employees spending more than four hours per day at a video display terminal

Equal Employment Rights — Recommended

Child Labor Laws — All employers who employ youth under 18

Domestic Violence and the Workplace — Recommended

Equal Pay Law — Recommended

Regulation of Employment — All employers

➤ **PREGNANCY** ◀

General rule: Prohibited discrimination based on sex includes discrimination based on pregnancy and medical conditions that result from pregnancy. It shall be unlawful employment discrimination, except where based on a *bona fide* occupational qualification, for an employer to treat a pregnant woman who is able to work in a different manner from other persons who are able to work. It shall also be unlawful employment discrimination, except where based on a *bona fide* occupational qualification, for an employer to treat a pregnant woman who is not able to work because of a disability or illness resulting from pregnancy, or from medical conditions that result from pregnancy, in a different manner from other employees who are not able to work because of other disabilities or illnesses.

Benefits: An employer is not required to provide sick leave, a leave of absence, medical benefits, or other benefits to a woman because of pregnancy or other medical conditions that result from pregnancy, if the employer does not also provide those benefits for the employer's other employees and is not otherwise required to provide those leaves or benefits under other state or federal laws.

See also family/medical leave.

➤ RACE ◀

It is an unlawful employment practice, unless a *bona fide* occupational qualification exists, for an employer to refuse to hire or otherwise discriminate against an employee or applicant based on race or color.

It is also generally unlawful for employers to elicit or attempt to elicit, as well as make a record of, information pertaining to an individual's race or color. In addition, employers cannot use an employment application form or other personnel forms that contain questions or entries that directly or indirectly pertain to race or color.

Employers must refrain from posting help-wanted ads that indicate a preference, limitation, specification, or discrimination based on race or color.

For purposes of state law, an employer means having one or more employees.

➤ REFERENCES ◀

Blacklisting: It is unlawful for employers to use intimidation, force, or blacklisting to prevent a wage earner from gaining employment.

References: An employer is immune from liability for disclosing information about a former employee's job performance or work record to a prospective employer. Immunity is lost if the employer has not acted in good faith, as shown by knowingly disclosing, with malicious intent, false or deliberately misleading information.

Service letters: Employers must, upon written request of the affected employee, give that employee the written reasons for the termination of that person's employment. An employer that fails to satisfy this request within 15 days of receiving it may be subject to a fine of not less than \$50 nor more than \$500.

Social media: Employers can't request or require employees or job applicants to provide their user names, passwords, or other ways to access their personal online accounts; authenticate or access their accounts in front of employer's representatives; invite, or accept an invitation from, employers to join a group affiliated with these accounts; require employees to change their setting so that a third party could view their information; or require the use of personal social media as a condition of employment. In addition, employers can't fire, discipline, or otherwise retaliate against employees who refuse to provide access or who file complaints with a public or private body or court about their request for access or retaliation for refusing such access. Employers may access information that's in the public domain.

Employers may exercise control over devices and accounts provided to employees for business purposes. Employers can require access to employees' or job applicants' accounts when conducting investigations to ensure compliance with applicable state or federal laws, regulatory requirements, or prohibitions against work-related employee misconduct; or investigations into employees' or job applicants' unauthorized transfer of proprietary information, confidential information, or financial data to/from their personal accounts.

➤ **RELIGION** ◀

It is an unlawful employment practice, unless a *bona fide* occupational qualification exists, for an employer to refuse to hire or otherwise discriminate against an employee or applicant based on religion.

It is also generally unlawful for employers to elicit or attempt to elicit, as well as make a record of, information pertaining to an individual's religion. In addition, employers cannot use an employment application form or other personnel forms that contain questions or entries that directly or indirectly pertain to religion.

Employers must refrain from posting help-wanted ads that indicate a preference, limitation, specification, or discrimination based on religion.

For purposes of state law, an employer means having one or more employees.

➤ **REPORTING PAY** ◀

No provision.

➤ **SAFETY** ◀

Click on www.safetyworksmaine.com/ to access Maine's SafetyWorks! home page.

➤ **SCHOOL VISITATION LEAVE** ◀

No provision.

➤ **SEX DISCRIMINATION** ◀

It is an unlawful employment practice, unless a *bona fide* occupational qualification exists, for an employer to refuse to hire or otherwise discriminate against an employee or applicant based on sex.

It is also generally unlawful for employers to elicit or attempt to elicit, as well as make a record of, information pertaining to an individual's sex. In addition, employers cannot use an employment application form or other personnel forms that contain questions or entries that directly or indirectly pertain to sex.

Employers must refrain from posting help-wanted ads that indicate a preference, limitation, specification, or discrimination based on sex.

For purposes of state law, an employer means having one or more employees.

➤ SEXUAL HARASSMENT ◀

State law requires that private and public employers take specific steps to ensure a workplace free from sexual harassment, which is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature from any person directed towards, or in the presence of, an employee or applicant when:

- submission to the conduct is either explicitly or implicitly a term or condition of the individual's employment;
- submission to or rejection of the conduct by the individual is used as the basis for employment decisions affecting the individual; or
- such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Every year, employers must provide employees with an individual written notice that includes, at a minimum, the following information.

- A statement on the illegality of sexual harassment.
- The definition of sexual harassment under state law.
- A description of sexual harassment, utilizing examples.
- The internal complaint process available for reporting sexual harassment.
- The legal recourse and complaint process available through the state Human Rights Commission.
- Instructions for contacting the Commission.
- The protection provided by the state's Human Rights Act against retaliation for bringing a sexual harassment complaint.

The notice must be delivered to employees in a manner that will ensure that they receive it, such as including it with employee paychecks.

In workplaces with 15 or more employees, employers must also conduct an education and training program for all new employees within one year of the commencement of employment. The program must include, at a minimum, the same information that must be included in the previously mentioned notice to employees.

Such employers must also conduct additional training for supervisory and managerial employees within one year of the commencement of their employment that includes, at a minimum, the specific steps that these employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

All employers must display a sexual harassment poster, which may not exceed sixth grade literacy standards, in a prominent and accessible location in the workplace. The poster must provide, at a minimum, the following information.

- A statement on the illegality of sexual harassment.
- A description of sexual harassment, utilizing examples.

- The complaint process available through the state Human Rights Commission.
- Instructions for contacting the Commission.

➤ **SEXUAL ORIENTATION DISCRIMINATION** ◀

The Act to Extend Civil Rights Protections to All People Regardless of Sexual Orientation amends Maine’s Human Rights Act to prohibit sexual orientation discrimination.

For purposes of this law, sexual orientation is defined as a person’s actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. Gender identity is defined as an individual’s gender-related identity, whether or not that identity is different from that traditionally associated with that individual’s assigned sex at birth, including, but not limited to, a gender identity that is transgender or androgynous. Gender expression is defined as the manner in which an individual’s gender identity is expressed, including, but not limited to, through dress, appearance, manner, speech, or lifestyle, whether or not that expression is different from that traditionally associated with that individual’s assigned sex at birth. An employer is defined as having one or more employees.

➤ **SMOKING** ◀

Smoking is prohibited in all enclosed areas of a business facility. Smoking is permitted outdoors, but only in designated smoking areas, which must be at least 20 feet away from the facility’s entryways, vents, and doorways.

Policy: Every employer must establish, or may negotiate through the collective bargaining process, a written policy on smoking that aims to protect the employer and employees from the detrimental effects of smoking by others. The policy must prohibit smoking indoors, prevent environmental tobacco smoke from circulating into enclosed areas, and prohibit smoking outdoors, except in designated areas. The policy can prohibit smoking throughout the business facility, including outdoor areas.

The employer shall post the policy, supervise its implementation, and provide a copy of the policy to any employee upon request.

See also lifestyle discrimination.

➤ **SOCIAL SECURITY NUMBER PRIVACY** ◀

Employers that maintain computerized data that includes personal information (e.g., Social Security numbers) must report a security breach “as expeditiously as possible and without unreasonable delay” to anyone whose personal information might have been compromised.

➤ **UNEMPLOYMENT INSURANCE** ◀

Click on the following link www.maine.gov/labor/unemployment/benefits.html to access the Maine Department of Labor unemployment benefits home page.

➤ **VACATION PAY UPON TERMINATION** ◀

If an employee receives vacation pay under an employer's policy, vacation pay has the same status as earned wages and must be paid upon termination.

An employer must pay any earned but unpaid vacation of a terminated employee in full on or before either the next day after a demand on which the employee would regularly be paid on, or a day not more than two weeks after the day on which the demand is made, whichever is earlier.

➤ **VIOLENCE** ◀

Domestic violence: All public and private employers must give reasonable leave from work, with or without pay, to employees who need to obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking. Employers that deny leave to employees may be liable for fines of up to \$1,000 per violation. Fines are payable to the state labor department. In addition, employers will be liable to the employees for liquidated damages equal to three times the amount of total assessed fines. Employees who are terminated for exercising leave rights may choose between liquidated damages and reinstatement.

Employees who are licensed to carry concealed weapons may store their weapons in their locked vehicles. The weapons can't be visible.

➤ **VOTING** ◀

No time-off-to-vote provision.

➤ **WAGE DEDUCTIONS** ◀

No employer shall require or permit any person as a condition of employment to work without monetary compensation or when having an agreement, verbal, written, or implied that a part of such compensation should be returned to the employer for any reason other than for the payment of a loan, debt, or advance made to the person; for the payment of any merchandise purchased from the employer; for sick or accident benefits; for life or group insurance premiums, excluding compensation insurance, which an employee has agreed to pay; or for rent, light, or water expense of a company-owned house or building. Deductions cannot be made for items incurred by the employee in the course of the employee's work or dealing with customers on the employer's behalf. This includes deductions for cash shortages, inventory shortages, dishonored checks, dishonored credit cards, or damages to the employer's property. Deductions also can't be made for uniforms, personal protective gear, and other tools. Employees may agree in writing to pay for the cost of laundering uniforms.

➤ **WAGE GARNISHMENT** ◀

The lesser of 25% of disposable weekly pay, or the amount by which disposable weekly pay exceeds 40 times the federal minimum wage in effect during the week the garnishment is to occur, may be withheld. Employers may not terminate an employee because his/her disposable pay is subject to a creditor garnishment.

➤ **WAGE PAYMENT ON TERMINATION** ◀

Employee who quits: Earlier of next payday or two weeks after demand.

Employee who's fired: Earlier of next payday or two weeks after demand.

➤ **WAGE PAYMENTS** ◀

Payday requirements: Regular intervals, not to exceed 16 days apart.

Direct deposit: Employers may require employees to be paid electronically if funds are available to cover payroll.

➤ **WHISTLEBLOWING** ◀

Employers are prohibited from discharging, threatening, or discriminating against an employee with respect to compensation, terms, conditions, location, or privileges of employment because:

- the employee, acting in good faith, or a person acting on behalf of the employee, reports, orally or in writing, to the employer or a public body what the employee has reasonable cause to believe is a violation of a law or rule adopted under the laws of the state of Maine, a political subdivision of the state, or the United States;
- the employee, acting in good faith, or a person acting on behalf of the employee, reports to the employer or a public body, orally or in writing, what the employee has reasonable cause to believe is a condition or practice that will put the health or safety of that employee or any other individual at risk;
- the employee is requested to participate in an investigation, hearing, or inquiry held by a public body, or in a court action; or
- the employee, acting in good faith, has refused to carry out a directive that would expose the employee or any individual to a condition that would result in serious injury or death after having sought unsuccessfully to obtain a correction of the dangerous condition from the employer.

➤ **WORK AUTHORIZATION** ◀

No employer shall knowingly employ any alien who has not been lawfully admitted to the United States for permanent residence, unless the employment of the alien is authorized by the United States Immigration and Naturalization Service.

Upon conviction of a violation of the above, the employer may not employ legal aliens granted permission to work temporarily for the duration of two years.

It is an affirmative defense that the employer, before employing or referring a person for employment, made a good-faith inquiry as to whether that person was a United States citizen or an alien, and if the inquiry reasonably indicated that the person was an alien, the employer made a further good-faith inquiry that reasonably indicated that the alien was lawfully admitted to the U.S. for permanent residence or that the United States Immigration and Naturalization Service had authorized the alien to accept employment in the United States. The good-faith inquiry must be in writing; an employment application form that requests citizenship data, or an alien registration number if the applicant is an alien, meets this requirement.

➤ **WORKERS' COMPENSATION** ◀

Click on the following link www.maine.gov/wcb to access Maine's Workers' Compensation Board home page. For a copy of Maine's Workers' Compensation statutes, click on <http://janus.state.me.us/legis/statutes/39-A/title39-Ach0sec0.html>.