

# MAINE STATE LEGISLATURE

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# Equal Pay Report

This report is submitted by the Maine Department of Labor, Bureau of Labor Standards, in compliance with 26 M.R.S. § 628.

## Background

In the state of Maine, as well as in the United States more generally, there is a pervasive gender and racial wage gap. In sum, white people tend to have higher wages than people of color, men generally earn more than women, and white men earn considerably more than women of color. For example, nationally in 2022, African American women made 63 cents on the dollar, and Hispanic or Latina women just 58 cents on the dollar compared to white, non-Hispanic men. In Maine, the difference between median earnings for men and women who worked full-time, year-round in 2022 was over \$9,000.<sup>1</sup>

These disparities are largely because women and people of color are overrepresented in low-paying jobs, a phenomenon known as “job segregation.”<sup>2</sup> A recent report from the US Department of Labor illustrates the point:

Examples of this segregation abound: According to the 2022 American Community Survey, men are about 35 times more likely to be carpenters than women, while women are 17 times more likely than men to be childcare workers. Among women workers, white women are almost twice as likely as Black women or Latinas to work as elementary or middle school teachers, and Latinas are more than six times as likely as white women to work as maids and housekeepers. Meanwhile, Black women are four times as likely to be nursing assistants as white women, and 40 times as likely to be nursing assistants as white men.<sup>3</sup>

Job segregation has several causes, not least of which is historical and structural discrimination. For example, perceptions that people of a particular gender or of certain racial or ethnic backgrounds are more suited for particular types of work are based on discriminatory stereotypes. The lower paying jobs into which many women and people of color are segregated are then often devalued, resulting in even lower pay. Similarly, inequities in funding for and access to education and training influence workers’ ability to qualify for particular jobs.<sup>4</sup>

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<sup>1</sup> 2018-2022 5-Year ACS Table B20017: Median Earnings in the Past 12 Months (in 2022 Inflation-Adjusted Dollars) by Sex by Work Experience in the Past 12 Months for the Population 16 Years and Over With Earnings in the Past 12 Months

<sup>2</sup> US DoL. (2024). *Still Bearing the Cost: Black and Hispanic Women Lose Billions Due to Job Segregation*. [BearingTheCostReport2024.pdf \(dol.gov\)](#).

<sup>3</sup> *Ibid.* Footnotes removed.

<sup>4</sup> *Ibid.*

One particularly insidious form of racial and gender discrimination occurs when employers pay workers of different genders or racial backgrounds differently, even when they are doing comparable work. This is different from job segregation; in this case, women or people of color may have overcome the barriers to obtaining the same or similar work as men or white people, only to be paid less for it. Maine's Equal Pay Law prohibits this. Materially, 26 M.R.S. § 628 states:

An employer may not discriminate between employees in the same establishment on the basis of sex by paying wages to any employee in any occupation in this State at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility. An employer may not discriminate between employees in the same establishment on the basis of race by paying wages to any employee in any occupation in this State at a rate less than the rate at which the employer pays any employee of another race for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility. Differentials that are paid pursuant to established seniority systems or merit increase systems or difference in the shift or time of the day worked that do not discriminate on the basis of sex or race are not within the prohibitions in this section. An employer may not discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of this section. An employer may not prohibit an employee from disclosing the employee's own wages or from inquiring about or disclosing another employee's wages if the purpose of the disclosure or inquiry is to enforce the rights granted by this section. Nothing in this section creates an obligation to disclose wages.

## Progress on Compliance

The Bureau of Labor Standards, part of the Maine Department of Labor, enforces Maine's Equal Pay Law. 26 M.R.S. § 628 also requires the Department of Labor to:

“annually report to the joint standing committee of the Legislature having jurisdiction over labor matters on progress made in the State to comply with this section.”

The Department utilizes a multi-pronged approach to achieving labor law compliance in the state, which includes investigations and enforcement activities as well as public education, outreach to workers and employers, and interpretive policy guidance.

The Department encourages anyone who believes they are not being paid the same wages as an employee of the opposite sex or a different race, in violation of the statute, to file an

equal pay complaint.<sup>5</sup> The Bureau of Labor Standards also has a poster available for employers free of charge that outlines the basics of the law.<sup>6</sup>

While the Department of Labor does not currently have data on “progress made in the State to comply” with the Maine Equal Pay Law, Table 1, below, provides information on the number of resolved equal pay cases over the last several years. Cases are listed under the year in which they commenced, regardless of the year in which they were finally resolved. **This means that the data for 2023 may be an undercount.** Given it takes several months to complete a case, any equal pay cases commenced in late 2023 would likely not yet be resolved and so would not show up in the data.

As can be seen in Table 1, we have received eight complaints where equal pay issues were mentioned or suspected since 2019. Of these cases, the Bureau has found only one violation, for which no wages were due (the complaint concerned the exercising of rights under the Equal Pay statute, rather than an allegation of unequal wages).

It is important to stress that this data does not demonstrate that equal pay violations are not occurring in Maine. It simply means that hardly anyone has submitted complaints, and that the Bureau has not found equal pay violations in the small number of proactive investigations it is able to complete each year. Alternatively, it may mean that workers have pursued claims under other statutes which prohibit unequal pay, such as the Civil Rights Act or the Maine Human Rights Act.

Table 1: Final Cases involving Equal Pay

Item	2019	2020	2021	2022	2023	Total
Complaints*	2	0	3	3	0	8
Investigated	0	0	1	2	0	3
Equal Pay Violations	0	0	1	0	0	1
Workers Involved	0	0	1	0	0	1
Cases with Equal Pay Wages Owed	0	0	0	0	0	0
Penalty Cases	None					

<sup>5</sup> The Maine Department of Labor has a printable equal pay complaint form here: [https://www.maine.gov/labor/labor\\_laws/publications/epcomplaintform.pdf](https://www.maine.gov/labor/labor_laws/publications/epcomplaintform.pdf)  
A mailed or emailed complaint form can be requested by contacting the Wage and Hour Division at 207-623-7900 or [mdol@maine.gov](mailto:mdol@maine.gov).

Complaints can also be filed with the Maine Human Rights Commission: <https://www.maine.gov/mhrc/file>

<sup>6</sup> [https://www.maine.gov/labor/docs/2022/posters/equalpay\\_new.pdf](https://www.maine.gov/labor/docs/2022/posters/equalpay_new.pdf)

\*Includes cases where “Equal Pay” was mentioned by the complainant, interviewees, or inspectors in the original complaint or in subsequent contacts.

As the Bureau continues to shift toward a more strategic approach to labor law enforcement,<sup>7</sup> it expects to uncover Equal Pay violations. When the Bureau conducts full employer audits – i.e., assessing an employer’s compliance with labor laws for the past three years – it now checks for compliance with the bulk of Maine’s labor laws. As the Bureau increasingly focuses its enforcement resources on industries which the evidence suggests are likely to have high violations, it is likely that Equal Pay violations will be among them.

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<sup>7</sup> See the 2023 Wage and Hour Report for more on this: [2023WageandHourReport.pdf \(maine.gov\)](#).