

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 942

H.P. 670

House of Representatives, March 9, 2017

**An Act To Prohibit a Prospective Employer from Asking a
Prospective Hire about the Person's Compensation History until
after a Job Offer Is Made**

Reference to the Committee on Labor, Commerce, Research and Economic Development
suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Representative GOLDEN of Lewiston, Senator BREEN of Cumberland and
Representatives: AUSTIN of Skowhegan, FECTEAU of Biddeford, MADIGAN of Waterville,
McCREIGHT of Harpswell, MELARAGNO of Auburn, Senators: DESCHAMBAULT of
York, JACKSON of Aroostook, LIBBY of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §626-A, first ¶**, as amended by PL 1999, c. 465, §5, is further
3 amended to read:

4 Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628,
5 628-A, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500
6 for each violation.

7 **Sec. 2. 26 MRSA §628-A** is enacted to read:

8 **§628-A. Job applicant compensation questions**

9 An employer may not inquire about the compensation history of a prospective
10 employee from the prospective employee or a current or former employer or require that
11 a prospective employee's prior compensation history meet certain criteria, unless an offer
12 of employment that includes all terms of compensation has been negotiated and made to
13 the prospective employee, after which the employer may inquire about or confirm the
14 prospective employee's compensation history.

15 This section may be enforced pursuant to section 626-A. The civil action provided
16 pursuant to section 626-A may be brought to enforce this section by or on behalf of one
17 or more applicants for employment or by the Department of Labor on behalf of one or
18 more applicants for employment, and the plaintiff or plaintiffs may also seek judgment
19 for compensatory damages.

20 **SUMMARY**

21 This bill prohibits an employer from inquiring about a prospective employee's prior
22 compensation history until after an offer of employment that includes all terms of
23 compensation has been negotiated and made to the prospective employee. The bill also
24 prohibits an employer from requiring that a prospective employee's prior compensation
25 history meet certain criteria. An employer that violates this law is subject to a fine of not
26 less than \$100 and not more than \$500 per violation and is also subject to a civil right of
27 action that may be brought by or on behalf of an affected prospective employee by the
28 Department of Labor or the affected employee.