

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 944

H.P. 672

House of Representatives, March 9, 2017

**An Act To Prohibit the State 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 Senator DESCHAMBAULT of York and
Representatives: AUSTIN of Skowhegan, MADIGAN of Waterville, MARTIN of Sinclair,
McCREIGHT of Harpswell, MELARAGNO of Auburn, Senators: BREEN of Cumberland,
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 §628-A** is enacted to read:

3 **§628-A. State job applicant compensation questions**

4 The State, acting as an employer, may not inquire about the compensation history of
5 a prospective employee from the prospective employee or a current or former employer
6 or require that a prospective employee's prior compensation history meet certain criteria,
7 unless an offer of employment that includes all terms of compensation has been
8 negotiated and made to the prospective employee, after which the State may inquire about
9 or confirm the prospective employee's compensation history.

10 For the purposes of this section, "State" has the same meaning as in Title 14, section
11 8102, subsection 4.

12 For every intentional violation of this section, the State's entity whose employee
13 committed the violation is liable for a civil violation for which a fine of not less than
14 \$100 and not more than \$500 may be adjudged.

15 **SUMMARY**

16 This bill prohibits the State, as an employer, from inquiring about a prospective
17 employee's prior compensation history until after an offer of employment that includes all
18 terms of compensation has been negotiated and made to the prospective employee. The
19 bill also prohibits the State from requiring that a prospective employee's prior
20 compensation history meet certain criteria. A state government entity that violates this
21 law is subject to a fine of not less than \$100 and not more than \$500 per intentional
22 violation.