

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 122

H.P. 104

House of Representatives, January 17, 2019

**An Act To Prohibit an 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 and Housing suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: DOORE of Augusta, EVANGELOS of Friendship, MARTIN of Sinclair,
NADEAU of Winslow, Senators: DIAMOND of Cumberland, 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 of the
11 prospective employee or require that a prospective employee's compensation history meet
12 certain criteria, unless an offer of employment that includes all terms of compensation has
13 been negotiated and made to the prospective employee, after which the employer may
14 inquire about or confirm the 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
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 compensation history
25 meet certain criteria. An employer that violates this provision 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 action
27 that may be brought by or on behalf of an affected prospective employee by the
28 Department of Labor or the affected employee.