

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 123

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H.P. 105

House of Representatives, January 17, 2019

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

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Reference to the Committee on State and Local Government 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: DOORE of Augusta, EVANGELOS of Friendship, MARTIN of Sinclair,  
NADEAU of Winslow, Senator: 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 of the prospective employee or require that a prospective employee's compensation  
7 history meet certain criteria, unless an offer of employment that includes all terms of  
8 compensation has been negotiated and made to the prospective employee, after which the  
9 State may inquire about 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 department, agency or entity of the  
13 State whose employee committed the violation is liable for a civil violation for which a  
14 fine of not less than \$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 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 compensation  
20 history meet certain criteria. A department, agency or entity of the State that violates this  
21 provision is subject to a fine of not less than \$100 and not more than \$500 per intentional  
22 violation.