

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1703

H.P. 1092

House of Representatives, April 18, 2023

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**An Act to Amend the Maine Equal Pay Law by Prohibiting Pay  
Discrimination Based on Race**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Speaker TALBOT ROSS of Portland.  
Cosponsored by President JACKSON of Aroostook and  
Representatives: ABDI of Lewiston, DHALAC of South Portland, RANA of Bangor, Senators:  
BENNETT of Oxford, DUSON of Cumberland, HICKMAN of Kennebec.

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

2 **Sec. 1. 26 MRSA §628**, as amended by PL 2019, c. 35, §3, is further amended to  
3 read:

4 **§628. Equal pay**

5 This section may be known and cited as "the Maine Equal Pay Law."

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

23 The Department of Labor shall annually report to the joint standing committee of the  
24 Legislature having jurisdiction over labor matters on progress made in the State to comply  
25 with this section. The report must be issued annually on Equal Pay Day as designated  
26 pursuant to Title 1, section 145.

27 **SUMMARY**

28 The current law provides that an employer may not discriminate between employees  
29 in the same establishment on the basis of sex by paying wages to any employee in any  
30 occupation at a rate less than the rate at which the employer pays any employee of the  
31 opposite sex for comparable work on jobs that have comparable requirements relating to  
32 skill, effort and responsibility. This bill adds to that law a provision that an employer may  
33 not discriminate between employees in the same establishment on the basis of race. The  
34 bill also provides that the law may be known and cited as "the Maine Equal Pay Law."