

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2019**

**CHAPTER 35**  
**S.P. 90 - L.D. 278**

**An Act Regarding Pay  
Equality**

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

**Sec. 1. 5 MRSA §4577** is enacted to read:

**§4577. Compensation history inquiry as evidence of unlawful discrimination**

**1. Legislative findings and intent.** The Legislature finds that despite requirements regarding equal pay having been a part of the laws of Maine since 1965, wage inequality is an ongoing issue in the State. Wage inequality causes substantial harm to the citizens and to the economy of the State. The Legislature finds that when employers base compensation decisions on compensation history of a prospective employee, it directly perpetuates this wage inequality. An employer's knowledge of a prospective employee's compensation history is directly related to the practice of basing compensation decisions on compensation history. It is the intent of the Legislature to promote the payment of equal compensation for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility and to prevent unlawful employment discrimination with respect to compensation.

**2. Evidence of unlawful employment discrimination.** Evidence of unlawful employment discrimination under section 4572 and Title 26, section 628 includes, but is not limited to, an employer's inquiring, either directly or indirectly, about the compensation history of a prospective employee from the prospective employee or a current or former employer of the prospective employee or otherwise seeking the compensation history of a prospective employee.

**3. Exceptions.** Notwithstanding subsection 2, an employer or employment agency may inquire about or seek compensation history of an employee or prospective employee after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. If an employee or prospective employee has voluntarily disclosed compensation history information, without prompting by the employer or employment agency, the employer or employment agency may seek to confirm or permit a prospective employee to confirm such information prior to an offer of employment. This section does not apply to an employer who inquires about compensation history pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

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

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

**Sec. 3. 26 MRSA §628, first ¶,** as amended by PL 2009, c. 29, §1, is further amended to read:

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

**Sec. 4. 26 MRSA §628-A** is enacted to read:

**§628-A. Compensation history inquiry prohibited**

**1. Legislative findings and intent.** The Legislature finds that despite requirements regarding equal pay having been a part of the laws of Maine since 1965, wage inequality is an ongoing issue in the State. Wage inequality causes substantial harm to the citizens and to the economy of the State. The Legislature finds that when employers base compensation decisions on compensation history of a prospective employee, it directly perpetuates this wage inequality. An employer's knowledge of a prospective employee's compensation history is directly related to the practice of basing compensation decisions on compensation history. It is the intent of the Legislature to promote the payment of equal compensation for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility and to prevent unlawful employment discrimination with respect to compensation.

**2. Prohibition.** An employer may not use or inquire about the compensation history of a prospective employee from the prospective employee or a current or former employer of the prospective employee unless an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee, after which the employer may inquire about or confirm the prospective employee's compensation history.

**3. Exception.** This section does not apply to an employer who inquires about compensation history pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

**4. Penalty.** This section may be enforced pursuant to section 626-A. The civil action provided pursuant to section 626-A may be brought to enforce this section by or on behalf of a person affected by a violation of subsection 2 or by the Department of Labor on behalf of a person affected by a violation of subsection 2, and the plaintiff or plaintiffs may also seek judgment for compensatory damages.

See title page for effective date.

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**CHAPTER 36  
H.P. 59 - L.D. 62**

**An Act To Enhance the Senior  
Volunteer Benefit Program**

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

**Sec. 1. 36 MRSA §6232, sub-§1-A,** as enacted by PL 2007, c. 635, §2, is amended to read:

**1-A. Volunteer program.** A municipality may by ordinance adopt a program that permits claimants who are at least 60 years of age to earn benefits up to a maximum of \$750 ~~\$1,000~~ or 100 times the state minimum hourly wage under Title 26, section 664, subsection 1, whichever is greater, by volunteering to provide services to the municipality. A program adopted under this subsection does not need to meet the requirements of subsection 1, paragraph B or C. Benefits provided under this subsection must be related to the amount of volunteer service provided. Benefits received under this subsection may not be considered income for purposes of Part 8. A municipality may by ordinance establish procedures and additional standards of eligibility for a program adopted under this subsection.

See title page for effective date.

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**CHAPTER 37  
H.P. 192 - L.D. 229**

**An Act To Increase the Safety  
of Home Buyers Concerning  
Chimney Inspections**

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

**Sec. 1. 33 MRSA §173, sub-§2-A, ¶¶E and F,** as enacted by PL 2005, c. 378, §26 and affected by §29, are amended to read:

E. The annual fuel consumption per heating system or source; ~~and~~

F. Any malfunctions per heating system or source within the past 2 years; and

**Sec. 2. 33 MRSA §173, sub-§2-A, ¶G** is enacted to read:

G. The date of the most recent inspection of the chimneys and vents for the heating system or source;

See title page for effective date.

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**CHAPTER 38  
H.P. 225 - L.D. 301**

**An Act To Help Older Adults  
Age in Place through  
Comprehensive Planning**

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

**Sec. 1. 30-A MRSA §4301, sub-§1-B** is enacted to read:

**1-B. Age-friendly community.** "Age-friendly community" means a community where policies, services, settings and structures support and enable older people to actively age in place and that recognizes the capabilities, resources and needs of older adults, plans to meet the needs of older adults in flexible ways that support healthy and active aging, promotes the inclusion and contributions of older adults in all areas of community life, respects the self-determination and independence of older adults and protects those older adults who are most vulnerable.

**Sec. 2. 30-A MRSA §4312, sub-§3, ¶J,** as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

**Sec. 3. 30-A MRSA §4312, sub-§3, ¶K,** as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and