

**DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES**  
**Bureau of Human Resources**  
September 13, 2019

**HUMAN RESOURCES MEMORANDUM 7-19**

TO: All Agency Heads and Agency Human Resources

SUBJECT: Compensation History Questions in the Recruitment Process

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Public Law 2019, Chapter 35 defines any inquiry into the compensation history of a prospective employee prior to an offer of employment that includes all terms of compensation as evidence of unlawful discrimination under the Maine Human Rights Act.

This means that:

- Application forms (paper forms, on-line forms *(such as those on Recruiterbox)*, supplemental questionnaires, etc.) must not include questions about compensation history or prior levels of pay.
- ***No questions regarding compensation history may be asked during any interviews or during any reference or background checks prior to an offer of employment including all terms of compensation.***

If any current standardized interview questions, reference checks, background checks, or hiring processes include salary or compensation history inquiries, they must be removed prior to September 19, 2019.

If an employee or prospective employee voluntarily discloses compensation history information, without prompting from the employer or employment agency, the employer or employment agency may seek to confirm such information prior to an offer of employment. Also, the law does not apply if an employer inquires about compensation history pursuant to any federal or state law specifically requiring the disclosure or verification of compensation history for employment purposes.

Any questions should be directed to the Bureau of Human Resources.

***s/ Breena D. Bissell***

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