Maine State Labor Standards: Legislative Changes and Enforcement Updates

Bureau of Labor Standards

July 16, 2026

Overview

Today we will cover:

- Changes in law from the 2026 Legislative Session
- Implementation of law changes from prior sessions

Your presenters today are:
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Webinar Logistics

This webinar is being recorded so that we can post it for later viewing.

We have lots of participants, so everyone will be muted during the webinar.

Comments will go to the Zoom hosts, and not the entire group. Please use the comments to share questions you would like us to answer as we go. We will have a Q&A at the end of the webinar.

Disclaimer - Informational Purposes Only

- This presentation is intended for general informational purposes only. **It does not constitute legal advice or an official legal opinion of the Maine Department of Labor.**
- The Maine Department of Labor provides this information as a public service to help employers, employees, and the public understand Maine's labor laws and regulations.
- Because laws, regulations, policies, and interpretations may change, the information contained in this presentation is subject to revision without notice. The official sources for Maine labor laws and regulations are the Maine Revised Statutes, the Code of Maine Rules, and any applicable federal laws and regulations. In the event of a conflict between this presentation and the applicable law, the law will control.

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Title 26 Labor Law Changes Effective July 29, 2026

LD 54	§622-A: Pay Transparency
LD 61	§620-A: Employer Surveillance
LD 1587	§54: BLS Investigation & Enforcement Authority
LS 1993	§61: Safety Education and Training Fund
LD 2110	§681-690: Employer Substance Use Testing Policy Requirements
LD 2200	§599-A: Noncompete Agreements for Health Care Practitioners

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Other Changes and Updates

LD 1748 (2025)	Energy Project Development Information
LD 1270 (2025)	CBAs for Consideration, Prevailing Wage
§643-B	Farm Labor Contractor Registration
LD 55 (2025)	Earned Paid Leave Accrual, Rollover

Law Changes Effective
July 29, 2026

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§622-A Pay Transparency

This is a NEW labor standard/requirement.

Employers with 10 or more employees must:

- When recruiting/hiring, include the anticipated *pay range* for the advertised position on the job posting.

All employers must:

- Maintain position and pay history records during employment and for *3 years after separation*.

Employees have the right to:

- Request and receive the pay range for their position.

§622-A Pay Transparency

How will BLS enforce this standard?

Violations of the pay transparency requirement can result in a civil penalty under §626-A of a fine of not less than $100 and not more than $500 for each violation.

§620-A Employer Surveillance

Prohibits employers from:

- Using employer surveillance unless the employer notifies the employee in advance;
- Using audiovisual monitoring in an employee's residence, personal vehicle, or on the employee's property as a means of employer surveillance unless required by the employer for duties of the job;
- Installing data collection or transmission applications on the employee's personal electronic devices without the employee's authorization.

§620-A Employer Surveillance

Exception: Personal Care Settings

§620-A(6) "This section does not apply to employer surveillance that has been installed or caused to be installed by an employer, patient, client or unpaid caregiver in a setting in which personal care services are expected to be provided by an employee."

> §620-A(1)(D) defines "personal care services" as "services provided by a licensed personal care agency and includes, but is not limited to, services related to activities of daily living, household tasks and medication reminders."

§620-A Employer Surveillance

Employer Surveillance is defined as:

> “the monitoring of an employee by an employer through the use of an electronic device or system, including but not limited to the use of a computer, telephone, wire or radio or an electromagnetic, photo-electronic or photooptical system.”

“Employer surveillance” does not include the use by an employer of surveillance cameras for security or safety purposes or the use of global positioning system tracking or other safety devices on vehicles owned by the employer but operated by the employee.

§620-A Employer Surveillance

Employers must:

- Inform all prospective employees during the interview process that the employer engages in employer surveillance; and
- Provide annual written notice to all current employees that the employer engages in employer surveillance.

§620-A Employer Surveillance

Employees can decline to have surveillance installed on their own personal devices.

An employee may decline a request by an employer to install data collection or transmission applications on the employee's own personal electronic devices for the purposes of employer surveillance.

Employers cannot fire, discipline, demote, threaten, or otherwise penalize workers who assert their rights under 26 MRSA §620-A.

§620-A Employer Surveillance

How will BLS enforce this standard?

Violations of the pay transparency requirement can result in a civil penalty under §626-A of a fine of not less than $100 and not more than $500 for each violation.

§54 Investigations

LD 1587 clarifies BLS's civil investigative authority and strengthens BLS's ability to investigate labor standards violations under Chapter 7 (employment practices) and Chapter 15 (prevailing wage).

LD1587 gives BLS greater authority to preserve assets and incentivize payment of wages, liquidated damages, interest or penalties owed pursuant to a citation.

LD1587 requires employers to notify employees about violations.

§54 Investigations

Production of Records:

§622 requires EMPLOYERS to maintain records and to keep them in a way that "must be accessible to any representative of the department at any reasonable hour."

§54(1)(A) provides BLS authority to "examine . . . any books, records, papers and memoranda of any person or employer of whatever nature relevant to the alleged violation."

§54(1)(C) requires any person or employer to produce any records required by law under Chapter 7 or 15.

§54 Investigations

Subpoena of Records and Testimony:

§54(1)(B) provides BLS authority to subpoena the employer or “any other person having knowledge of the subject of the investigation” to take testimony or produce records.

§54(2) outlines the subpoena process.

§54 Investigations

What does this mean for employers and others?

In most cases, all the evidence needed to investigate a labor standards complaint is available from the employer. But not always.

In those limited situations where an employer refuses to comply, or disappears, or when relevant evidence is held by a third party – a payroll company, a financial institution, a neighboring business's security cameras, etc. – BLS previously had no authority to compel production of the evidence. §54 provides that authority.

§54 Investigations – Reporting Payment of Wages et al.

BLS prioritizes making workers whole when there have been labor standards violations, and we ask employers to pay them directly rather than complicating – and delaying – payment by having the wages come through MDOL. This had the unintended consequences of never really knowing when or if workers were paid. §54(4) fixes that by requiring that:

> An employer ordered to pay wages, damages, and/or interest must certify to BLS that payment was made within 7 calendar days from the date on which all administrative and legal appeal rights have been exhausted.

§54 Investigations – Penalties for Nonpayment

A persistent obstacle to resolving wage complaints is that, despite the formal citation and final order assessing wages owed, damages, and/or penalties, the employer does not pay. §54(3)(A) creates an incentive to pay by establishing a further civil penalty for nonpayment:

> Once a penalty or other ordered remedy is final and all administrative and legal appeal rights have been exhausted, the person or employer subject to the penalty or ordered remedy pursuant to this subsection **shall make payment within 30 calendar days. Failure to make a timely payment is subject to an additional civil penalty of not more than $1,000 for each day that the person or employer fails to make payment.**

§54 Investigations – Penalties for Not Correcting Violations

Another persistent issue is failure to correct a violation after an employer has been cited. §54(3)(B) creates an incentive to correct violations:

> Any person or employer who fails to correct a violation for which a notice of violation has been issued within the permitted period for its correction is subject to an additional civil penalty of not more than $1,000 for each day during which the violation is not corrected. The permitted period for correction may not begin to run until the date on which all administrative and legal appeal rights have been exhausted in the case of any appeal proceeding initiated by the person or employer in good faith and not solely for delay or avoidance of penalties.

§54 Investigations – Penalties for Nonpayment

What does this mean for employers and others?

BLS routinely enters into settlement agreements with employers in order to resolve violations. These settlement agreements can include a payment plan and a suspension of penalties, when the employer agrees to fix violations, pay workers any wages/damages owed, and participate in education and monitoring to support future and ongoing compliance. We will continue to offer this avenue to resolution to employer acting in good faith.

§54 Investigations – Penalties for Nonpayment

The civil penalty for nonpayment of a wages, damages, and/or penalties after a final order can be appealed. Employers can seek an administrative hearing on any civil penalties assessed under §54(3) if they believe they were assessed in error. They can also pursue an appeal in Superior Court if they are dissatisfied with the outcome of the administrative appeal.

§54 Investigations – Collections

§54(4) gives BLS authority to send a notice of levy to any third party with possession or control over the financial accounts or personal property of an employer who fails to pay any part of wages, liquidated damages, interest or penalties owed pursuant to a citation.

This authority is the same as that given to other state agencies for the collection of unpaid taxes, child support arrears, and unemployment compensation contributions.

§54(4) protects the recipient of a notice of levy from liability for actions taken in accordance with the terms of the notice. However, the recipient can be held liable by BLS for transfer or disposition of property contrary to the notice of levy.

The property exemptions in 14 MRS §§4421-4426 apply to 26 MRS §54.

§54 Investigations – Collections

What does this mean for employers and others?

This is a tool of last resort, when an employer refuses to pay workers what they are owed and/or attempts to hide or dispose of assets to avoid liability for the debts owed.

BLS's priority is making workers whole for the harms experienced as a result of employers' noncompliance with state labor standards.

BLS routinely enters into settlement agreements with employers in order to resolve violations. These settlement agreements can include a payment plan and a suspension of penalties, when the employer agrees to fix violations, pay workers any wages/damages owed, and participate in education and monitoring to support future and ongoing compliance. We will continue to offer this avenue to resolution to employer acting in good faith.

§54 Investigations – Employee Notification

§54(5) requires employers to post any notice of violation issued by BLS in a prominent and conspicuous place in the workplace, like a staff breakroom or above the timeclock. If there is no such place, the employer must deliver copies of the notice of violation to each employe.

§54(6) requires employers to send a copy of the notice of violation to all employees who worked for them during the period covered in the notice. This can be by mail, email, or text.

§61 Safety Education and Training Fund – Assessment

The Safety Education and Training Fund (SETF) supports workplace health and safety education, including the hundreds of free SafetyWorks! classes offered every year. LD 1993 raised the cap on the annual assessment for the Safety Education Training Fund from 1% to 2% of workers' compensation claims paid.

MDOL kept to the 1% assessment for 2026, while we work with workplace safety stakeholders to identify gaps in the training landscape and develop a comprehensive plan for SETF activities. That will inform future assessments under the 2% cap.

§§681 – 690 Substance Use Testing

LD 2110 updated and modernized the requirements for workplace substance use testing. The final legislation was informed by stakeholders and employer representatives from the health care, construction, transportation, small business, hospitality, and other industries.

Significant Changes:

- Medical Review Officers (MROs) required
- Employers can perform a screening test of an employee’s saliva (oral fluids) using a rapid screening device
- Breath alcohol tests considered substance use tests under the statute
- Opportunity for treatment after an initial confirmed positive ***decreased to 12 weeks***
- Costs above what health insurance would cover for treatment after an initial positive result are the sole responsibility of the employee
- Reporting of test results with a “legitimate medical explanation” clarified

§§681 – 690 Substance Use Testing

§682(6) clarifies the standard for when an employer can conduct a substance use test.

The law formerly used the term “probable cause.” The updated law explains that employers need “reasonable suspicion” to test an employee. This is defined as “specific and articulable facts that, taken together with rational inferences from those facts, reasonably support the belief that an employee may be under the influence of a substance.”

What isn’t “reasonable suspicion?”

- An anonymous tip;
- Information that an employee used a substance while off duty unless it was observed while on the employer’s premises or nearby during or immediately before working hours; or
- A single work-related accident UNLESS there is also “observable behavior indicating impairment at the time of the accident.”

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§§681 – 690 Substance Use Testing

Other Changes:

What used to be called "arbitrary testing" is now "criteria-based testing" because the substance use test is based on a set event. This includes testing required by a specific client or work site as well as things like a work anniversary or promotion. (§682(1-A))

Labor organizations/unions that have substance use testing policies now must have state approval. (§681(3))

§599-A: Noncompete Agreements for Health Care Practitioners

The law already prevented noncomplete agreements for workers making less than 400% of FPIG and for veterinarians. LD 2200 adds health care practitioners to the list of protected workers.

An employer cannot have a noncompete agreement with an employee who "is a health care practitioner who is employed by an entity in which that health care practitioner does not have an ownership interest."

A health care practitioner is defined as "an individual qualified or licensed under state law to perform or provide health care services to persons in the State."

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New Implementation and Enforcement Efforts

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26 MRS Chapter 51

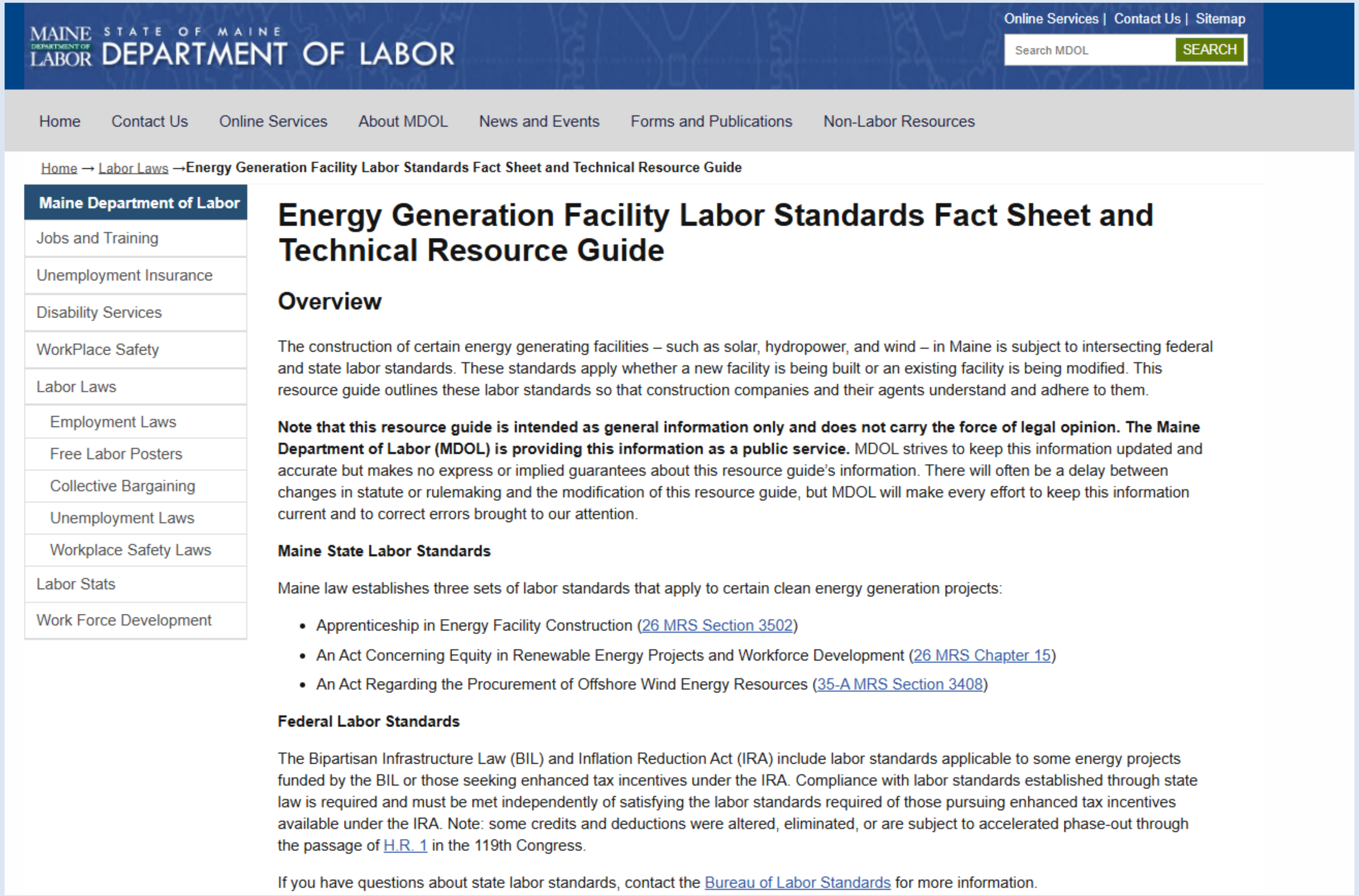
LD 1748 created Chapter 51, Energy Project Development Information.

Chapter 51 §3901 requires MDOL, in partnership with other agencies and offices with jurisdiction over energy matters, to develop a fact sheet and technical resource guide that clearly outlines the requirements, opportunities, expectations and responsibilities detailed in state labor laws, rules and priority selection opportunities for entities developing assisted projects, as defined in section 1304, subsection 1-A, with a nameplate capacity of one megawatt or more in the State.

The resource guide is available at https://www.maine.gov/labor/labor_laws/cleanenergy/

§3901 – Resource Guide

The Resource Guide provides complex labor standards information in a clear and accessible way, all in one place.



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§3901 – Resource Guide

The Resource Guide connects users to laws, rules and regulations, training, and helpful templates.

Compliance

Section IV the Chapter 19 Rules require construction employers to self-monitor and report compliance:

- A construction employer must submit a plan for finding and hiring a sufficient number of qualified apprentices to the Bureau of Labor Standards before starting each phase of the construction project. Employers may rely on the phase structure identified in their project's scope of work or the structure outlined in the reporting template below.
- When each phase of the construction project is completed, the employer must submit an interim report to BLS of the results of its efforts to employ qualified apprentices. If the employer did not employ any or enough apprentices, they must give a clear explanation of why they didn't.
- When the entire construction project is completed, the employer must submit a final report also including a clear explanation if they failed to hire a sufficient number of qualified apprentices during the entire project.

How do I submit my plan for finding and hiring qualified apprentices, and my reports, to BLS?

All plans and reports must be submitted to the Bureau of Labor Standards at EnergyLaborStandards.BLS@maine.gov. Employers may use this template for this purpose.

Penalties

There are financial civil penalties if construction employers are out of compliance with the Apprenticeship in Energy Facility Construction law and Chapter 19 rules:

- A construction employer who violates the Apprenticeship in Energy Facility Construction law commits a civil violation subject to a fine of at least $50 but not more than $200. Each calendar day a construction employer does not employ a sufficient number of apprentices required by the law/rules is a separate violation.
- A construction employer who discharges or discriminates against an employee because the employee makes a complaint about a violation of the law commits a civil violation subject to a fine of at least $50 but not more than $200.
- If a construction employer is found to have violated the Apprenticeship in Energy Facility Construction law statute, the Attorney General can request an injunction in Superior Court to prevent any further violations.

Hiring apprentices for your project to satisfy federal or state requirements? This fact sheet can help.

Hiring Registered Apprentices

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§3901(2) – Attestation by Developers

Energy developers covered by Chapter 51 must attest that they have read the resource guide and shared the labor standards requirements with all contractors and subcontractors:

> An entity responsible for the development of an assisted project, as defined in section 1304, subsection 1-A, with a nameplate capacity of one megawatt or more and the entity's chosen prime contracting entity shall each separately attest under penalty of perjury that the entity:
>
> A. Has reviewed the materials described in subsection 1, paragraphs A to D and that the entity understands the requirements as outlined;
>
> B. Is aware of the resources available to assist in the entity’s understanding and to facilitate compliance; and
>
> C. Has made all contractors and subcontractors aware of the requirements outlined in subsection 1, paragraphs A to D.

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§3901(2) – Attestation by Developers

Completed attestations must be submitted by both entities on a yearly basis to the Department of Labor before work may begin on any phase of site preparation, construction, retrofitting or demolition work.

The attestation is available through the online Resource Guide.

Clean Energy Project Labor Standards Attestation

An entity responsible for the development of an assisted project, per 26 MRS Chapter 15, and the entity's chosen prime contracting entity shall each separately attest under penalty of perjury that the entity has reviewed and understands the labor standard requirements of assisted projects, which are outlined in this fact sheet and technical assistance resource guide here: https://www.maine.gov/labor/labor_laws/cleanenergy

Completed attestations must be submitted on a yearly basis to the Maine Department of Labor before work may begin on any phase of site preparation, construction, retrofitting or demolition work.

If you have any questions, please contact EnergyLaborStandards.BLS@maine.gov.

When you submit this form, it will not automatically collect your details like name and email address unless you provide it yourself.

* Required

Project Information

1. Name and Brief Description of Clean Energy Project *

Enter your answer

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LD 1270 – Changes to Prevailing Wage Statute

LD 1270 created the Department of Energy Resources in 2025. It also included a section that amended 26 MRS §1308 to:

- Require labor unions to submit the most recent collectively bargained rates to BLS each year;
- Set a floor on prevailing wage decreases year to year of 15%; and
- Change "may" to "shall" in the requirement that BLS "ascertain and consider wage and benefits information received from construction trade associations and labor unions that are paid generally in the locality where the construction of the public works is to be performed in its determination of prevailing rates."

Unions can submit the CBA <u>in effect</u> the second and third week of July <u>by October 17</u> each year to CollectiveBargainingAgreements.BLS@maine.gov.

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§643-B – Farm Labor Contractor Registration

§643-B has been on the books since 2009. BLS has established an easy way for farm labor contractors to send a copy of its federal registration to us each year.

Compliance can be met by emailing a copy of the federal Migrant Seasonal Agricultural Worker Protection Act registration with in-state contact information for the farm labor contractor or the farm labor contractor's representative to sma.dol@maine.gov.

LD 55 – Earned Paid Leave

BLS hosted a webinar and listening session on June 29, 2026, to hear from stakeholders about changes to Earned Paid Leave accrual and roll over passed in 2025:

"Accrued and unused hours of earned paid leave from the previous year of employment must be available for use by an employee in the year of employment immediately following the previous year. Accrued and unused hours of earned paid leave carried forward from the previous year of employment may not reduce the total amount of hours of paid leave an employee is entitled to earn in the year of employment immediately following the previous year, up to 40 hours or the accrual limit specified in the employer's policy governing paid leave, whichever is higher."

Watch the recorded listening session at:

https://www.youtube.com/watch?v=26hubvhpmGg

LD 55 – Earned Paid Leave

Current Guidance:

Question: If an employee rolls over unused accrued Earned Paid Leave from the previous year, will the employee be entitled to accrue additional hours of Earned Paid Leave?

Answer: Yes. Accrued and unused hours of Earned Paid Leave carried forward from the previous year of employment may not reduce the total amount of hours of paid leave an employee is entitled to earn in the present year, up to 40 hours or the accrual limit specified in the employer's policy governing paid leave, whichever is higher.

Example: An employee rolls over 8 hours of unused accrued Earned Paid leave from the previous year. In the present year, the employee is only entitled to accrue up to 40 additional hours of Earned Paid Leave or the accrual limit specified in the employer's policy governing paid leave, whichever is higher, regardless of how much leave the employee uses in the current year.

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LD 55 – Earned Paid Leave

Question: Is an employer that front-loads Earned Paid Leave obligated to roll-over unused leave?

Answer: Yes. Accrued and unused hours of Earned Paid Leave from the previous year must be available for use by an employee in the year of employment immediately following the previous year.

Question: If an employer front-loads the 40 hours of Earned Paid Leave, and the employee takes the Earned Paid Leave, but the employment ends before the leave would have been earned, can the employer deduct the unearned leave from the last paycheck?

Answer: Yes, this is one of the few circumstances in which a deduction may be made from a paycheck. The terms of employment or the employer's established practice must include provisions for front-loaded leave if taken before it is earned. This leave may be pro-rated and deducted from a final paycheck.

We are considering the information from the listening session and anticipate formal rulemaking on Earned Paid Leave later this summer.

QUESTIONS?