

# MAINE PAID FAMILY & MEDICAL LEAVE

## **Paid Family and Medical Leave (PFML) Frequently Asked Questions (FAQ's) for Employees**

**Note:** This FAQ is designed to help employers and employees better understand their rights and responsibilities and to navigate Maine Paid Family Medical Leave Law. This document provides guidance but does not replace the authority of the Law or program Rules. The information in this guidance may be subject to change. Visit <https://www.maine.gov/paidleave/> for the most up-to-date information.

### **General Questions:**

#### **1. Am I covered?**

Almost everyone who is employed in Maine is covered by the Paid Family and Medical Leave law.

#### **There are a few exceptions:**

- If you're employed by the federal government, you're not covered.
- If you're employed by a tribal government, you're not covered unless the tribal government has chosen to opt in to the program.
- If you're incarcerated, you're not covered.
- If your only work in Maine is part of a work-study program, you're not covered.
- If you're self-employed, you're only covered if you've chosen to opt in.

Other than those exceptions, you're entitled to paid leave from work for specific reasons, if you meet certain earnings requirements.

#### **2. When does the program start?**

Premium contributions started January 1, 2025, and benefits are scheduled to start May 1, 2026.

### 3. What is the earnings requirement to receive benefits?

If you've earned 6 times the State Average Weekly Wage (SAWW) during a certain time period, you would meet the earnings requirement for the program. The SAWW is announced by the Maine Department of Labor each year, taking into account wage data from across the state. The time period for earning 6 times the SAWW is your Base Period: the first four of the last five completed calendar quarters before your leave begins.

**For example:** if you need to be out of work starting on August 1, 2026, your Base Period would be April 1, 2025 to March 31, 2026. If during that time you earned at least six times the SAWW, then you could be approved for benefits for that leave in August 2026. In 2024, the SAWW was \$1,144, but it changes every year, and we can't predict what it will be in future years.

Your employer (or employers, if you work for more than one company) will tell us what your earnings were in each quarter, so we'll have that on file. We'll figure out whether you meet the earnings requirement when you submit a claim for paid leave.

### 4. What are the reasons I can take leave?

Maine PFML covers leave for these reasons:

- **Medical Leave:** For times when a serious health condition keeps you from working.
- **Parental Leave:** Time to bond with a child after birth, fostering or adoption.
- **Family Care Leave:** Time to care for a loved one with a serious health condition.
- **Military Family Leave:** Time to prepare for a family member's deployment.
- **Safe Leave:** Time to find safety after abuse or violence.

### 5. How much leave can I take?

Maine PFML provides up to 12 weeks of leave in a Benefit Year. The Benefit Year is the 12-month period that starts the same week your leave starts.

### 6. Will my available Maine Paid Family Medical Leave (PFML) time be reduced if I take leave under other laws?

Yes. Maine PFML, the federal Family and Medical Leave Act (FMLA), and Maine FMLA will run at the same time when they all apply. They're not designed to be used separately: if you're covered by all three, you can't choose to take 12 weeks of federal FMLA and then a separate 12 weeks of Maine PFML. Any leave you take under the federal FMLA or Maine FMLA in the 12 months before your Maine PFML benefit starts will count against your available 12 weeks of Maine PFML.

**For example:** If you took 4 weeks of federal FMLA or Maine FMLA in December of 2025, you would only have 8 weeks of PFML available in 2026 when your benefits start in May of 2026.

## **7. Do I have to take all my leave at once?**

No, you don't have to take your leave all at once.

- If you need to be out of work for a full 12 weeks, you can do that.
- If you need to be out of work for two weeks, you can do that, and you'll have ten weeks left to use later if you need it.
- You can also take leave intermittently -- a day at a time, or, sometimes, part of a day -  
- if that's when you need to be out of work.

## **8. Is my job protected while I'm on leave?**

It depends. You'll have job protection if you've been employed by your employer for at least 120 consecutive days when you go out of work. That means when your approved leave is over and you return to work, your employer has to restore you to the position you had when you went out of work. They could restore you to a different position, but only if it has equivalent pay, benefits, and conditions.

If you take paid leave from a job where you've been an employee for less than 120 days, your employer certainly can restore you to the position you had, but they don't have to.

No matter what, your employer is not allowed to retaliate against you for taking approved leave.

## **9. When do I need to inform my employer of my request to take leave?**

You need to give your employer reasonable notice if you know you'll need to take leave:

- For example, if you know you'll need leave for a scheduled surgery two months from now, at least 30 days would be reasonable notice.
- If you know in advance that you'll need leave, but not that far in advance, you should tell your employer when you know.
- If you need leave in an emergency, you should tell your employer as soon as possible.

Keep in mind that you'll need to tell your employer and also submit a claim for benefits. Check the Application Timeline section for information about when to submit your claim.

## **10. Can someone else provide notice of leave on my behalf?**

Yes, if you're unable to provide notice, someone else can do that for you. For example, if you need leave because of a medical emergency, a family member or health care provider could provide notice on your behalf.

## **11. Is there a waiting period to receive benefits once they've been approved?**

It depends. There's a waiting period of 7 days if your leave is for your own medical condition. If your medical leave is approved, benefits won't be payable for the first 7 calendar days beginning with the first day of leave. If you take leave for another reason, there's no waiting period.

You will only need to complete one waiting period per benefit year. (A benefit year is the 12-month period within which you can take your 12 weeks of leave, and it starts when you first take leave.) This means that if you take 4 weeks of medical leave, the first week will be unpaid and the other 3 weeks will be paid. If you then take another 4 weeks of medical leave before the end of the benefit year, all 4 of those weeks will be paid. If you take another 4 weeks of medical leave, say, three years later, the first week will be unpaid because you'll be in a new benefit year so you'll have to complete a waiting period again.

## **12. Are my PFML benefits reduced by payments from other programs I might be receiving?**

It depends.

Your PFML benefits will be reduced dollar for dollar by any payments you are receiving at the same time from:

- State unemployment insurance
- Worker's compensation, except for benefits for partial incapacity for an injury that occurred prior to the PFML claim
- Any government-provided short-term disability or long-term disability program (such as Social Security Disability Insurance)
- A long-term disability insurance plan from a current or prior employer of yours

When you file a claim, the Administrator will ask about payments you might be receiving from other programs so they can issue accurate benefit payments. Keep in mind, if you end up getting benefits from one of these programs and from PFML at the same time and you don't let the Administrator know, you'll be expected to pay back the amount that should have been deducted from your benefits.

Your PFML benefits will NOT be reduced for the following:

- Your employer's short-term disability insurance plan
- Salary continuation your employer chooses to pay you to close the gap between the amount of your benefits and the amount you usually earn (Note that if you're paying full salary continuation at the employee's regular rate of pay, PFML benefits would not start until that full salary continuation has ended.)
- Wages based on your use of PTO to close the gap between the amount of your benefits and the amount you usually earn
- Worker's compensation benefits for partial incapacity for an injury that occurred prior to the PFML claim.

### **13. Can I use my paid time off (PTO) I have accrued with my employer while I am on PFML?**

Your employer can't force you to use your PTO while on PFML if you don't want to. However, PFML benefits are not full wage replacement, so workers often choose to use some PTO to close the gap between their benefit amount and their usual earnings. Using some PTO during your leave can also be a way to allow payroll deductions for things like health insurance premiums to continue during your leave. You should check with your employer to see what their policies are for this.

### **14. I had a baby in 2025. Would I qualify to take PFML in 2026?**

Possibly. You probably won't be able to take medical leave because your recovery from childbirth will have ended. You may be able to take family leave to bond with your child, as long as it's within one year from the child's date of birth. Keep in mind, too, that if you've taken unpaid leave under federal FMLA or Maine FMLA in the year leading up to your leave request, that leave may reduce your available Maine PFML time.

## **Application Process & Timeline**

### **15. What documents are required when applying for PFML?**

- Proof of identity
- Employer identifying information
- Reason for leave
- Proof of identity of family members, if leave is to care for a family member with a serious health condition
- Proposed schedule of leave

When you set up your claim, we'll tell you what additional information is needed, like a certification from your doctor if you're taking medical leave, and what the deadline is for sending it in.

## **16. What documentation do I need to provide if I am applying for PFML to care for a family member?**

You'll have to provide proof of the family member's identity, as well as documentation from a health care provider confirming their serious health condition that requires care. If the person you're caring for is someone you're not legally related to but you have a significant personal bond with, you may need to provide additional information to demonstrate that bond.

## **17. Can I be denied benefits if I don't submit all required documents?**

If you do not submit the information needed to support your claim promptly, you may be able to get an extension. Either way, your benefits may be delayed if you don't submit your supporting documentation on time. If you fail to submit the required information, we may need to deny your application.

## **18. When can I submit my PFML application?**

You can submit your application as early as 60 days prior to the start of your leave, if you know you'll need leave that far in advance.

- The latest you can submit your application is 90 days after the start of your leave.
- If you miss that 90-day deadline, and you think you can show why you had a valid reason to apply late, let us know and we'll review your situation.
- Don't forget that you're also responsible for communicating with your employer about when you'll need leave. Letting them know 30 days in advance is reasonable in most cases, or as soon as you know, if your need for leave is not foreseeable.

We'll let your employer know you submitted an application for leave within five business days. Keep in mind that benefits won't start until May 1, 2026.

## **19. When will I get my benefit payments?**

The PFML program won't pay out any benefits until we've reviewed all the information needed to support your claim. If we can approve your claim, we'll pay your benefits, by direct deposit or on a debit card, as soon as possible after we make that determination.

## **Undue Hardship:**

## **20. What if my employer raises concerns about my need to take leave?**

In some cases, your employer might say that you taking leave when you've requested it will cause an undue hardship by disrupting their operations. They would have to bring this up within 10 business days of when you submit your application.

If that happens, we'll review your employer's documentation about the impact to their business, and what they propose for a less disruptive leave schedule. Based on that information, we'll decide whether your leave will have to be rescheduled. So, your leave may be approved for a different timeframe than you first requested.

**21. If my leave schedule is changed, can I appeal that decision?**

Yes, both you and your employer can appeal if your leave schedule is changed due to an undue hardship determination. Appeals must be submitted within 15 business days of the notice.

**22. What happens if my employer and I agree the scheduling of my leave will not cause them an undue hardship?**

If your requested leave will not disrupt your employer so much that they think it will cause an undue hardship, they'll be able to sign a waiver saying your claim can move forward without waiting the 10 business days they would otherwise have to raise a concern.

**Premium Contributions:**

**23. Are PFML Premiums taxable?**

The question of whether PFML premiums are taxable is reliant on the guidance and processes of the Federal Internal Revenue Service. The IRS has released formal guidance on issues of taxability which can be viewed here: [RR-25-04](#).

**24. How will I know if my employer is deducting PFML premiums from my wages, or if the amount of the deduction changes?**

Your employer has to include information about the PFML premium deduction on your pay statement. If they change how much of the premium they deduct from your wages, they have to provide written notice to you at least seven days prior to the first affected paycheck. Remember, they can't deduct more than half a percent of your subject wages. They can choose to deduct less than half a percent from your subject wages if they choose to pay all or part of your contribution for you, and this is what they can change if they give you written notice in advance.

**25. I think something is wrong with the way my employer has handled premium contributions. What should I do?**

If you think you've had too much money deducted, you may be able to get any overpaid contributions refunded to you. If you have reason to think your employer is not paying the required premiums into the program on your behalf, that could make it more difficult for you to get paid leave in the future if you need it. Either way, we want to know -- contact us at (207) 621-5024.

## **Benefits:**

### **26. Are Maine PFML benefits taxable?**

Sometimes Maine PFML benefits are taxable, and sometimes they're not. The Internal Revenue Service (IRS) is the best source of information on taxability questions. They have released formal guidance on this question. You can view that here: [IRS Revised Rule 2025-4](#). Table 2 on page 30 provides a good summary, along with the information below.

Benefits paid for **family leave** claims are considered *taxable income*, but they are not considered *wages*. This is similar to how unemployment benefits are treated. You can choose to have withholdings from your benefits for state and federal income taxes. You'll get a Form 1099-G at the end of the year for when you file your income tax return.

Benefits paid for **medical leave** claims are treated differently depending on who is required to pay the premiums for coverage: the employee or the employer.

- When the employee pays all of the premiums, their medical leave benefits are not taxable at all. In Maine, employers who have less than 15 workers are exempted from their portion of the premium, so the employee would pay all of the premium.
- When the employee pays only a portion of the premiums, then only the proportion of benefits corresponding to their contributions are exempt from tax. The proportion attributable to the employer's contribution would be *taxable wages*.
- Even if an employer voluntarily pays a portion of the employee's premium share, the taxation rules are still the same as what is assumed in law for cost sharing.

Generally, this will mean that if you take leave from an employer with less than 15 employees (where the law assumes all of the premiums are paid by employees), none of your medical leave benefits are taxable. If you take leave from an employer of 15 employees or more (where the law assumes half of the premiums are paid by employees and half of the premiums are paid by the employer), half of your medical leave benefits will be taxable as wages. Payroll taxes for Social Security and Medicare will be taken out of this taxable part of medical leave benefits. You can also elect to voluntarily withhold state and federal income taxes. You'll get a Form W-2 for the taxable portion for when you file your income tax return.