

§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. [PL 2019, c. 35, §4 (NEW).]

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. [PL 2019, c. 35, §4 (NEW).]

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. [PL 2019, c. 35, §4 (NEW).]

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. [PL 2019, c. 35, §4 (NEW).]

SECTION HISTORY

PL 2019, c. 35, §4 (NEW).

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