

FEDERAL WAGE AND LABOR LAW INSTITUTE

Minimum Wage



Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.



Maine Law (Title 26 M.R.S.A. § 668) requires every employer to place this poster in the workplace where workers can easily see it.

This poster is provided at no cost by the Maine Department of Labor and may be copied.

Minimum Wage is \$9.00 per hour effective January 7, 2017

Minimum Wage
Under Maine labor laws, any business operating in the state with one employee is automatically covered by state law. This includes all public and private employers regardless of profit or size. Effective January 7, 2017, the minimum wage in Maine is \$9 per hour.

Municipal Minimum Wage Ordinances
Employers with employees who work in Bangor and/or Portland or any other municipality that passes a local minimum wage ordinance, may be subject to additional regulations and should check with municipal officials.

Service Employee
A service employee is someone who regularly receives more than \$30 a month in tips. As of January 7, 2017, employers must pay a direct wage of at least \$5 per hour to service employees. If the employee's direct wage combined with earned tips do not average, on a weekly basis, the state required minimum wage, the employer must pay the difference.

Overtime
Unless specifically exempted, employees must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rates of pay. Employers have the right to allow or deny overtime, but if overtime is worked, it must be paid in accordance with state requirements. Compensatory or "comp" time cannot be used by private-sector employers, although private-sector employers can allow employees to flex their time within the work week (but not the pay period if the pay period is longer than a seven day cycle in the work week).

Exemptions from Overtime
Maine statutes incorporate by reference the salary requirements under the Fair Labor Standards Act (FLSA). The new minimum salary requirement will be \$519.24 per week. Salary is only one factor in determining whether a worker is exempt from overtime under federal or state law. The duties of each worker must be considered as part of this analysis. Failure to adhere to both requirements—meeting the duties test and the weekly salary threshold—will result in violations of both federal or state law or of one jurisdiction or the other depending on the discrepancies in the laws.

Statements to Employees
Every employer shall give to each employee with the payment of wages a statement clearly showing the date of the pay period, hours worked, total earnings and itemized deductions.

Recordkeeping
Employers shall keep, for three years, accurate records of hours worked and wages paid to all employees.

The Department of Labor enforces state wage and hour laws. Employers with questions about the law may call 207-623-7900 or may visit the department's webpage.

Minimum Wage Guidance
http://www.maine.gov/labor/labor_laws/minimum_wage_faqs.html

<http://legislature.maine.gov/statutes/26/title26sec664.html>

Overtime Guidance
http://www.maine.gov/labor/labor_laws/overtime.html

<http://legislature.maine.gov/statutes/26/title26sec664.html>

**Note: Maine employers may also be covered under the federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716.*

For more information, contact:

Maine Department of Labor
Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333-0045
Telephone: 207-623-7900
TTY users call Maine Relay 711.
Web site: www.maine.gov/labor/bls
Email: mdol@maine.gov

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Maine Employment Security Law



This poster is designed to notify individuals of their rights regarding the filing of claims for unemployment benefits. It does not have the force or effect of law. For more information, call 1-800-593-7660 toll free.



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Full- and Part-Time Workers

How to file a claim for unemployment benefits
All new and reactivated claims for unemployment benefits are filed either online, telephone or by mail. **Do not delay in filing your claim once you are out of work. Claims cannot be backdated.**

When filing, you will need to know your Social Security Number. Also, you should have the names and addresses of all employers for whom you worked, and your dates of employment in the last 18 months.

To file online: www.file4ui.com
This is the fastest, easiest way to file.

To file by phone: 1-800-593-7660
TTY Users Call Maine Relay 711.

All individuals filing for Unemployment Insurance benefits are required by law to be registered with the Maine JobLink. Visit www.mainejobcenter.gov to access Maine JobLink.

We provide **language interpreter services** in approximately 140 commonly spoken languages. Arrangements will be made to have an interpreter assist you when you call the Unemployment Claims Center. To claim by mail: In some cases, your employer will give you a claim form. Mail your initial claim form to your nearest Unemployment Claims Center listed below.

Basic eligibility requirements Earnings during the base period: The "base period" is a one-year period that includes four calendar quarters. To establish a claim, an individual must have earned two times the annual average weekly wage in Maine in each of two different calendar quarters, and a total of six times the annual, average, weekly wage in Maine in the whole base period. In most cases, the Department of Labor has your wage information on file. If it is not on file, the Department will take steps to obtain it.

Separation: If you were laid off from your last job due to a lack of work, no additional investigation is required. If you separated from your last job for reasons other than lack of work, you will be scheduled for a fact-finding interview. A determination will then be made regarding your eligibility for benefits.

Weekly requirements: Weekly eligibility requirements include being able to work and being available for work, making an active search for work (unless your work search has been "waived"), not refusing offers of suitable work or referral to suitable job opportunities from the CareerCenters.

Aliens: If you are not a U.S. Citizen, your Social Security Number and/or your Alien Permit number will be checked with the Department of Homeland Security, Immigration and Naturalization Service.

Unemployment benefits are taxable: Unemployment benefits are taxable and have to be reported when you file your income tax forms.

Child support: If you owe child support that you pay to the Department of Health and Human Services (DHHS), up to fifty percent (50%) of your unemployment check may be withheld and sent to DHHS.

Benefits for partial unemployment: An employer shall issue a properly completed partial unemployment claim form to each employee who is customarily employed fulltime and who is given less than full-time hours during a week due to lack of work, and who is not separated from that employer.

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Whistleblower's Protection Act



Protection of Employees Who Report or Refuse to Commit Illegal Acts

This poster describes some important parts of the law. A copy of the actual law or formal interpretations may be obtained from the Department of Labor, Bureau of Labor Standards by calling (207) 623-7900. (The laws are also on the Bureau's web site.)



Maine Law (Title 26, M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it.

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It is illegal for your boss to fire you, threaten you, retaliate against you or treat you differently because:

1. You reported a violation of the law;
2. You are a healthcare worker and you reported a medical error;
3. You reported something that risks someone's health or safety;
4. You have refused to do something that will endanger your life or someone else's life and you have asked your employer to correct it; or
5. You have been involved in an investigation or hearing held by the government.

You are protected by this law ONLY if:

1. You tell your boss about the problem and allow a reasonable time for it to be corrected; or
2. You have good reason to believe that your boss will not correct the problem.

To report a violation, unsafe condition or practice or an illegal act in your workplace, contact:

(This information should be filled in by the employer)

(Name) (Title) (Location or Phone)

For more information or to file a complaint under this law, contact:

The Maine Human Rights Commission
51 State House Station
Augusta, Maine 04333
Telex: (207) 624-6290
TTY users call Maine Relay 711
www.maine.gov/mhrc

The following agencies may provide useful information on workplace safety and labor laws:

U.S. Department of Labor
Wage and Hour Division
P.O. Box 554
Portland, Maine 04112
Telex: (207) 800-3344
www.dol.gov

Maine Department of Labor
Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333-0045
(207) 623-7900
TTY users call Maine Relay 711
Web site: www.maine.gov/labor/bls
Email: mdol@maine.gov

rev. 11/15

Child Labor Laws



Child Labor Laws of the State of Maine provide protection for people under the age of 18 in both agricultural and nonagricultural jobs. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.



Maine Law (Title 26, M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it.

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14 and 15 year olds may work in most businesses, except in occupations declared hazardous and jeopardize their health, well-being or educational opportunities. **16 and 17 year olds** may work in most businesses, however not in hazardous jobs. These provisions also provide limited exemptions. Contact the Bureau of Labor Standards for details.

Work Permits

- All minors under 16 years of age need work permits in order to work.
- Superintendent of schools certify academic standing.
- Minor allowed only one permit during school year but two during summer vacation.
- Minor cannot work until permit is approved by Bureau of Labor Standards.
- Employer keeps Bureau-approved permit on file.

Recordkeeping

All employers must keep accurate payroll records for workers under 18. Records must show what time the minor began work, total hours worked, and what time the minor finished work each day.

Note: Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716 or <http://lyouth.dol.gov>.

Work Hours 14 and 15 year olds

- No more than 6 days in a row.
- Cannot work before 7 a.m. on a school day.
- Not after 7 p.m. during school year.
- Cannot work after 9 p.m. during summer vacation.

When School is Not in Session

- No more than 8 hours in any one day (weekend, holiday, vacation or workshop).
- Not more than 40 hours in a week (school must be out entire week).

When School is in Session

- No more than 3 hours on a school day, including Friday.
- Not more than 18 hours in a week that school is in session one or more days.

Work Hours 16 and 17 year olds (enrolled in school)

- No more than 6 days in a row.
- Cannot work before 7 a.m. on a school day.
- Cannot work before 5 a.m. on a non-school day.
- Cannot work after 10:15 p.m. the night before a school day.
- Can work up to midnight when there is no school the next day.

When School is Not in Session

- No more than 10 hours in any one day (weekend, holiday, vacation, or workshop).
- Not more than 50 hours in a week.

When School is in Session

- No more than 6 hours on a school day.
- No more than 10 hours on any holiday, vacation, or workshop day.
- On last day of school week, may work up to 8 hours.
- No more than 24 hours in a week, except may work 50 hours any week that approved school calendar is less than three days or during the first and last week of school calendar.

For more information, contact:

Maine Department of Labor
Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333-0045
Telephone: 207-623-7900 or 207-623-7930
TTY users call Maine Relay 711
Web site: www.maine.gov/labor/bls

rev. 07/17

Equal Employment Opportunity is THE LAW



Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

The Maine Human Rights Act prohibits discrimination because of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin.

The Maine Human Rights Act also prohibits discrimination because of filing a claim or asserting a right against a prior employer under the Workers' Compensation Act or retaliation under the Whistleblowers' Protection Act.

EQUAL EMPLOYMENT RIGHTS

The opportunity for an individual to secure employment without discrimination because of race, color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin is a civil right.

UNLAWFUL EMPLOYMENT DISCRIMINATION

It is unlawful employment discrimination for any employer, because of race, color, sex, sexual orientation, age, physical or mental disability, genetic information, religion, ancestry or national origin, or because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistleblowers' Protection Act, to:

- Fail or refuse to hire or otherwise discriminate against an applicant for employment.
- Discharge an employee or discriminate with the respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment.
- Retaliate against a person who has filed a charge of discrimination, participated in a discrimination proceeding, or opposed a violation of the Maine Human Rights Act.

IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT:

MAINE HUMAN RIGHTS COMMISSION
51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051
PHONE (207) 624-6290 FAX (207) 624-8729 TTY: MAINE RELAY 711
www.maine.gov/mhrc

Printed under appropriation: 01094H1010012 (2012 REV)

Regulation of Employment



Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.



Maine Law (Title 26 M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it.

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Time of Payment
Employees must be paid in full at least every 16 days. Employees must be notified of any decrease in wages or salary at least one day prior to the change.

Payment of Wages
Employees who leave a job must be paid in full on the next payday or within two weeks, whichever is earlier. Any vacation pay earned is due at the same time.

Severance Pay
Businesses that have 100 or more employees at a single location may have to provide severance pay to employees if that business location closes or has a mass layoff.

Unfair Agreement
Employers cannot require that an employee pay for losses such as broken machinery, bad checks, or bills not paid by the customers, nor for special uniforms and certain tools of the trade.

Rest Breaks
Most employees must be offered a 30-minute paid or unpaid rest break after 6 hours of work. Nursing mothers must be provided with unpaid break time or be permitted to use their paid break or meal time to express milk. The employer must make reasonable efforts to provide a clean room or location, other than a bathroom, where the milk can be expressed.

Family Medical Leave
An employee who has worked for the last 12 months at a workplace with 15 or more employees can have leave for up to 10 paid or unpaid weeks in 2 years for:

- Birth or adoption of a child or domestic partner's child
- Serious illness of the employee or immediate family member, including domestic partner.
- Organ donation
- Death or serious health condition of the employee's spouse, domestic partner, parent or child if it occurs while the spouse, domestic partner, parent or child is on active duty.
- Serious illness or death of a sibling who shares joint living and financial arrangements with the worker.

(Federal family medical leave is different. Call 603-666-7716 for more information.)
At-Will Employment - Under Maine law, an at-will employee may be terminated for any reason not specifically prohibited by law. In most instances, you are an at-will employee unless you are covered by a collective bargaining agreement or other contract that limits termination. If you have questions about at-will employment, contact your human resources department or the Bureau of Labor Standards.

Leave for Victims of Violence, Assault, Sexual Assault or Stalking
Must be allowed upon request if an employee (or a child, parent or spouse of an employee) is a victim of violence, assault, sexual assault or stalking or any act that would support an order for protection under Title 19-A M.R.S.A., c. 101 and the employee needs the time to:

- Prepare for and attend court proceedings; or
- Receive medical treatment; or
- Obtain necessary services to remedy crisis.

Leave to Care for Family
If the employer's policy provides for paid time off, the employee must be allowed to use up to 40 hours in a 12-month period to care for an immediate family member who is ill.

Mandatory Overtime
Most employers may not require employees to work more than 80 hours of overtime in any consecutive 2-week period. A nurse who has worked 12 consecutive hours may not be disciplined for refusing to work additional hours and must be allowed at least 10 hours off after working 12 hours. (There are exceptions to this law.)

Note: Maine employers may also be covered under the Federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716.

For more information, contact:

Maine Department of Labor
Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333-0045
Telephone: 207-623-7900
TTY users call Maine Relay 711
Web site: www.maine.gov/labor/bls
E-mail: webmaster.bl@maine.gov

rev. 07/12

THE MAINE HUMAN RIGHTS ACT PROHIBITS SEX DISCRIMINATION



SEXUAL HARASSMENT ON THE JOB IS ILLEGAL

- UNWELCOME SEXUAL ADVANCES
- SUGGESTIVE OR LEWD REMARKS
- UNWANTED HUGS, TOUCHES, KISSES
- REQUESTS FOR SEXUAL FAVORS
- RETALIATION FOR COMPLAINING ABOUT SEXUAL HARASSMENT

IF YOU FEEL YOU HAVE BEEN DISCRIMINATED AGAINST, CONTACT:

MAINE HUMAN RIGHTS COMMISSION
51 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0051
PHONE (207) 624-6290 FAX (207) 624-8729 TTY: MAINE RELAY 711
www.maine.gov/mhrc

OR CONTACT YOUR PERSONNEL DEPARTMENT: _____ DEPARTMENT / AGENCY CONTACT _____

Printed under appropriation: 01094H1010012 (10/2012 REV)

Safe Work for Computer Operators



The Maine Video Display Terminal (VDT) Law gives certain rights to people who use computers for work.



Employers must place this poster in the workplace where workers can easily see it.

This poster is provided at no cost by the Maine Department of Labor and may be copied.

If you work at a computer for more than 4 hours in a row on most days, your employer must:

1. Train you to use your computer safely so you won't get hurt. Using your computer safely includes:
 - Not hitting the keys too hard,
 - Not typing too fast or for too long, and
 - Not sitting in one position or in an uncomfortable position.
2. Train you the right way to adjust your workstation.
3. Train you within the first month after you are hired and then once a year.

If you have questions about working safely at the computer, speak to your supervisor or contact the Bureau of Labor Standards

Telephone: 1-877-SAFE-345(1-877-723-3345)
TTY users call Maine Relay 711
Email: mdol@maine.gov
Web site: www.maine.gov/labor/bls

rev. 11/15

FOR DATES OF INJURY ON AND AFTER JANUARY 1, 2013



WORKERS' COMPENSATION BOARD REGIONAL OFFICES

- AUGUSTA**
24 Stone Street, Suite 102
Augusta, ME 04330
207-287-2308
1-800-400-6854
- LEWISTON**
38 Millington Way
Lewiston, ME 04240-5811
703-753-7700
1-800-400-6857
- BANGOR**
106 Hogan Road, Suite 1
Bangor, ME 04401
207-941-4550
1-800-400-6856
- PORTLAND**
62 Elm Street
Portland, ME 04101
207-822-0840
1-800-400-6858
- CARIBOU**
43 Hatch Drive, Suite 110
Caribou, ME 04736-2347
207-498-6428
1-800-400-6855

Visit our website at:
www.maine.gov/wcb
Statewide TTY: Maine Relay 711

WORKERS' COMPENSATION

Notice to Employees:

State law requires your employer to provide workers' compensation insurance for its employees. Workers' compensation insurance provides benefits to employees who are injured at work. If you are injured at work, NOTIFY YOUR EMPLOYER AT ONCE. You may lose your right to receive benefits unless your employer is notified within 30 days of your injury. Your claim is also subject to a two-year statute of limitations. Worker advocates are available at the Workers' Compensation Board to help injured workers.

It is against the law for employers to misclassify employees as independent contractors for the purpose of avoiding workers' compensation insurance, unemployment coverage, or other employer paid taxes and withholdings. For more information on laws pertaining to the hiring of independent contractors, visit the Worker Misclassification Task Force website at www.maine.gov/labor/misclass.

If you have any questions about your rights, please contact one of the regional offices.

A l'intention des Employés:

D'après les lois de l'état de Maine, votre employeur est tenu de souscrire à une assurance indemnisant ses employés victimes d'un accident du travail. Si vous êtes victime d'un accident du travail, PREVEZ VOTRE EMPLOYEUR IMMÉDIATEMENT. Passez un délai de 30 jours, vous risquez de perdre vos droits à l'indemnisation. Au-delà de deux ans, votre déclaration n'est plus recevable. Pour aider les victimes d'un accident du travail, le Workers' Compensation Board met des conseillers juridiques à leur disposition.

La loi interdit aux employeurs de classer faussement leurs salariés comme étant des contractants privés afin d'échapper