

128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 944

H.P. 672

House of Representatives, March 9, 2017

An Act To Prohibit the State from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

ROBERT B. HUNT
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: AUSTIN of Skowhegan, MADIGAN of Waterville, MARTIN of Sinclair,
McCREIGHT of Harpswell, MELARAGNO of Auburn, Senators: BREEN of Cumberland,
JACKSON of Aroostook, LIBBY of Androscoggin.

l	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 26 MRSA §628-A is enacted to read:
3	§628-A. State job applicant compensation questions
4 5 6 7 8 9	The State, acting as an employer, may not inquire about the compensation history of a prospective employee from the prospective employee or a current or former employer or require that a prospective employee's prior compensation history meet certain criteria, unless an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee, after which the State may inquire about or confirm the prospective employee's compensation history.
10 11	For the purposes of this section, "State" has the same meaning as in Title 14, section 8102, subsection 4.
12 13 14	For every intentional violation of this section, the State's entity whose employee committed the violation is liable for a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.
15	SUMMARY
16 17 18 19 20 21	This bill prohibits the State, as an employer, from inquiring about a prospective employee's prior compensation history until after an offer of employment that includes all terms of compensation has been negotiated and made to the prospective employee. The bill also prohibits the State from requiring that a prospective employee's prior compensation history meet certain criteria. A state government entity that violates this law is subject to a fine of not less than \$100 and not more than \$500 per intentional violation.