



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 487

H.P. 350

House of Representatives, February 9, 2017

An Act To Promote Keeping Workers in Maine

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SCHNECK of Bangor.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: HANINGTON of Lincoln, KORNFELD of Bangor, LONGSTAFF of
Waterville, LUCHINI of Ellsworth, MARTIN of Sinclair, MASTRACCIO of Sanford,
STANLEY of Medway, Senator: COLLINS of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to regulate the use of so-called noncompete agreements, which are
6 contracts entered into by an employee prohibiting the employee from working in the
7 same or a similar profession within a time certain after leaving employment with the
8 employer and within a specified geographical area. This bill would restrict the use of
9 noncompete agreements by public and private employers by:

10 1. Prohibiting their use for low-wage employees;

11 2. Requiring employers to include in any advertisement for a job a statement that the
12 person hired will be required to sign a noncompete agreement;

13 3. Requiring employers to notify prospective employees of the noncompete
14 requirement and provide a copy of the noncompete agreement before extending a job
15 offer;

16 4. Requiring employers to provide additional compensation to those employees who
17 agree to sign a noncompete agreement;

18 5. Restricting the use of noncompete agreements to those situations when they are
19 necessary to protect trade secrets or confidential information held by that employer;

20 6. Limiting the duration of noncompete agreements so that they would have to be
21 renegotiated and agreed to after a certain period of time; and

22 7. Allowing an employee harmed by the unlawful use of a noncompete agreement to
23 bring suit against the employer and, if the employee prevails, be awarded damages,
24 attorney's fees and court costs.