



TOWN OF THOMASTON
TOWN MANAGER
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March 20, 2023

Maine State Legislature
Labor and Housing Committee

LD 936-An Act to Require Disclosure of Pay Ranges and Record Keeping of Pay History

Dear Labor and Housing Committee:

I write on behalf of the Town of Thomaston in opposition of LD 936. This proposed bill directly circumvents the new laws passed in MRS Title 26 (628-A) that bans salary history:

§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.

MRS Title 26 (628-A) clearly states the legislative finding and intent of this law. Pay history should not be disclosed upon request, as it lessens the job candidate's ability to negotiate wages. All employees are to be paid an equitable and equal wage based on their education, work experience, and responsibilities of the position. The new law as outlined above has made great progress in reducing salary disparities among employees based on gender and race.

LD 936 is a step backwards and is a complete departure from the progress made in MRS Title 26 (628-A). Thank you for your consideration in opposing LD 936.

Best,

A handwritten signature in cursive script that reads "Kara George".

Kara George
Town Manager