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Testimony of Laura Fortman, Commissioner Maine Department of Labor

In Support of LD 1412

To the Joint Standing Committee on Judiciary
April 24, 2023

Good morning, Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary. My name is Laura Fortman, and I am the Commissioner of the Maine Department of Labor. While I am not able to join you in person at today's public hearing, I am submitting written testimony on behalf of the Department in strong support of LD 1412, "A RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights."

First, I want to thank Rep. Lois Reckitt for continuing to bring this issue forward. Rep. Reckitt's unflagging commitment to equality has been an inspiration to me and others across the state for decades.

The Maine Department of Labor is committed to serving **all** Maine workers and businesses, regardless of gender, race, age, disability, identity, or ethnicity. The Department works with employers to build inclusive workplaces and ensure that Mainers who have been typically left on the sidelines of the workforce have the opportunities and career pathways that lead to good paying jobs. Sending this proposed Constitutional amendment to Maine voters would be one step in providing foundational protections for all workers. When we prevent discrimination, we welcome the full participation of everyone in Maine's workforce.

Neither the Maine Constitution nor the U.S. Constitution prohibits discrimination based on race, color, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability, ancestry, or national origin of an individual. Further, despite Maine laws that have been in effect since 1949, and even though we are committed to paying women fairly and equally based on their experience, their responsibilities, and their qualifications, **wage inequality persists.**

As an example, states across the country recognize National Equal Pay Day, which symbolizes how far into the year women must work to earn what men earned in the previous year. This year, Equal Pay Day fell on March 14, 2023. In Maine, the difference between median earnings for men and women who worked full-time, year-round in 2021 was nearly \$10,000. The wage gap is even more pronounced for women of color. According to the 2017-2021 [American Community Survey 5-Year Estimates](#), the five occupational groups in Maine with the largest wage gaps are: legal occupations; firefighting and

prevention; health diagnosing and treating practitioners; architecture and engineering occupations; and health technologists and technicians.

To promote pay equality, Governor Mills signed legislation in 2019 to discourage employers from basing wages on an employee's salary history.

[Maine's Equal Pay Law](#) requires that employees be paid the same wages as employees of the opposite sex for work that is of a comparable nature in skill, effort, and responsibility:

- An employer may not discriminate between employees in the same establishment on the basis of sex by paying wages to any employee at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility.
- An employer may not prohibit employees from discussing their wages with coworkers.

These laws are subject to the variable preferences of legislative majorities and governors, rather than the Constitution governing this state. I urge you to support this Resolve and send this out to Maine voters. Please give them the opportunity to codify these fundamental protections.

Thank you for your consideration.

The Maine Department of Labor is committed to serving Maine workers and businesses by helping employers recruit and train a talented workforce, providing workers with skills needed to compete in our economy, assisting individuals when jobs are lost, aiding people with disabilities reach career goals, ensuring safe and fair workplaces for people on the job and providing research and analysis of employment data to support job growth.