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To: Sen. Peggy Rotundo and Rep. Melanie Sachs, co-chairs  
Members, Committee on Appropriations & Financial Affairs

Sen. Mike Tipping and Rep. Amy Roeder, co-chairs  
Members, Committee on Taxation

From: David R. Clough, State Director in Maine

Re: LD 2214 – Supplemental State Budget for Fiscal Years 2023-2024 and 2024-2025  
Bureau of Labor Standards

This statement is on behalf of the thousands of small business owners in Maine who are members of the National Federation of Independent Business. NFIB members are located throughout Maine and are engaged in a wide range of business activities. They collectively provide paychecks to about 30,000 families and represent the backbone of communities and the State of Maine.

LD 2214 proposes reallocating personnel resources from Safety Education and Training Programs to increased support for the “Regulation and Enforcement program” within the Bureau of Labor Standards. The apparent intent is to support more strategically focused inspections of workplaces and search for potential labor law violations.

#### Fostering Compliance & Understanding

As Committee members evaluate the Bureau’s request, it is useful to consider the difference between violations that are willful versus violations that are inadvertent (e.g., administrative errors) or violations that may be attributed to misinformation or misunderstanding. We believe more could be done proactively to reduce employer errors (apart from outreach workshops the Bureau conducts) and thereby make more effective use of enforcement resources.

For example, the Bureau’s website could provide information about key responsibilities of employers and a “frequently asked questions” section. This may reduce preventable violations by increasing small employer access to helpful information on a 24/7 on-demand basis.

Former BLS director Michael Roland stated in 2021 testimony before the Committee on Labor & Housing that there are “approximately 110 labor laws in title 26” (March 15, 2021, public hearing on LD 616).

The attached screen prints of various Bureau webpages illustrate the difficulty a small employer has in finding out what is required and how to comply.

Most employers in Maine are small. Of the more than 35,000 firms in Maine in 2021, over 27,000 have fewer than 10 employees according to U.S. Census data (<https://www.census.gov/programs-surveys/susb/data/tables.html>). Another 3,000 had from 10-19 employees. These small businesses typically do not have human resource or labor law specialists who can guide the firm on compliance matters. The person doing that job is also busy with other aspects of daily business operations – and yet they must somehow keep up with labor laws, ensure they understand the laws, and make sure the small employer is acting properly.

If the Bureau is going to devote more resources to violations, it would be helpful to small employers if more resources are also devoted to making it easier to access plain English guides as well as the existing links to laws and regulations. Helping all small employers avoid errors also helps the Bureau's enforcement efforts be more successful.

Thank you for being mindful of Maine small business owners and their challenges in helping make our state prosper while also staying in compliance with labor laws.

Maine Department of Labor

Jobs and Training

Unemployment Insurance

Disability Services

WorkPlace Safety

Labor Laws

Employment Laws

Free Labor Posters

Collective Bargaining

Unemployment Laws

Workplace Safety Laws

Labor Stats

Work Force Development

## Labor Law Publications

### Teen Workers

- [Maine Work Permit Form](#)
- [Guide to Maine Laws Governing the Employment of minors](#)

### Unemployment

- [Employer Guide to Maine Unemployment Laws](#)
- [What Every Worker Should Know About Unemployment](#)
- [More](#)

### Wage and Hour Publications

- [Maine Employee Rights Guide](#)
- [Independent Contractors in Maine](#)

<-- No employer guide

### Workplace Safety

- [OSHA Forms for Reporting Work-related Injuries and Illnesses](#)
- [Keys to Your Good Work: Safe Computer Use for Maine Workers](#)
- [Hazard Communication - Employer Guide and Model Program](#)
- [More](#)

# MAINE DEPARTMENT OF LABOR PROGRAM & SERVICE GUIDE

*for Employers*

January 2020

## Bureau of Labor Standards

The Bureau of Labor Standards works to improve and ensure workplace safety, health, and workplace rights.

### Workplace Safety: SafetyWorks!

- More than 100 safety and health classes offered each year on a range of safety and health topics, including OSHA 10 and impairment detection
- Training on state and federal wage and hour requirements including the employment of minors

### Research and Statistics

- Customized company profiles on work-related injuries and illnesses
- Training and speakers on OSHA injury and illness recordkeeping
- Workers' Compensation case and prevention data
- Data and research on wage and hour issues

### Consultation on Labor Laws

- Requirements and best practices for compliance with state and federal minimum wage and overtime law
- Drug testing policy requirements and sample policies
- Guidance on youth employment and work permit process

### Compliance Efforts

- Public and private-sector wage and hour standards enforcement
- Drug testing policy consultation, approval, and compliance
- Youth employment oversight including work permits for minors under the age of 16
- Establish and oversee minimum wage rates on state-funded construction projects
- Public sector (government only) occupational safety and health standards enforcement

### Common Referrals through the Customer Service Unit (207-623-7900)

To other MDOL Bureaus, Workers' Compensation, Maine Human Rights Commission, Federal OSHA, Federal Wage and Hour, Federal Davis-Bacon

### Bureau Contacts

[www.maine.gov/labor/bls](http://www.maine.gov/labor/bls) or 207-623-7900

- Services
- Jobs & Training
- Unemployment Insurance
- Disability Services
- Workplace Safety
- Labor Laws
- Labor Statistics
- Workforce Development

## For Employers

<-- No employer guide to Maine labor laws

### - Online Services

- [New employee registration](#)
- E-Response
  - [Register, and Make Changes to, Employer SIDES Account](#)
  - [Answer Requests for Separation Information](#)
- [File and Pay Quarterly Contributions \(via ReEmployME\)](#)
- [Appeal an Unemployment Claims Decision](#)
- [Report Newly Hired Employees](#)
- [Report Unemployment Fraud](#)
- [Maine JobLink](#)
- [Search & Register for Safety Training Courses](#)
- [Publications and Forms](#)

### + Unemployment Employer Services

### - Labor Laws

- [Labor Laws](#)
- [Free Labor Posters](#)
- [Substance Abuse Testing Policies](#)
- [Certified Payroll for Employers Required to Pay Prevailing Wage](#)
- [Hiring and accommodating workers with disabilities under the Americans with Disabilities Act](#)
- [Section 503 of the Rehabilitation Act](#) (for businesses who contract with federal government)
- [Federal Overtime Rule Changes 2016 As Apply to Maine](#)
- [Local Minimum Wage Ordinances FAQ](#)

### - Training and Consultation

- [SafetyWorks!](#): No-charge, confidential consultations designed to reduce job-related injuries, illnesses and deaths—not OSHA and no fines are assessed.
- [Maine Apprenticeship Program](#): Connects job seekers and workers looking to learn new skills with employers looking for qualified workers; earn while you learn.
- [Job Retention/Return to Work Services](#): Reduce turnover and training costs in cases of disability due to illness or non-occupational injury
- [Disability Etiquette/Awareness Training](#): Training to assist staff in integrating employees with disabilities or serving customers/clients with disabilities

### + Hiring and Recruiting Employees

Maine Department of Labor

Jobs and Training

Unemployment Insurance

Disability Services

WorkPlace Safety

Labor Laws

Labor Statistics

Work Force Development

## Bureau of Labor Standards

The Bureau of Labor Standards helps workers and businesses make their worksites safer; upholds standards for minimum wages, child labor and other practices; and gathers information on the rapidly changing world of work in Maine today - and in the future.

### - Labor Laws

- [Earned Paid Leave Information](#)
- [Energy Facility Construction](#)
- [Summary of Labor Laws](#) (includes minimum wage, overtime, independent contractor, and other laws)
- [Child Labor Laws and Child Labor Rules](#)
- [Substance Use Testing Law](#)
- [Prevailing Wage Certification for State Funded Construction Projects](#)

### + Workplace Safety and Health

### + Workplace Statistics

### - Posters and Forms

- [Download Certified Payroll Form \(PDF\)](#)
- [Download the Work Permit Application \(PDF\)](#)
- [Free Labor Posters](#)
- [Labor Resources for Parents \(PDF\)](#)
- [Request an Injury Data Profile for Your Business](#)

## Labor Law Publications

### Updates

- Summary: [2023](#) | [2022](#) | [2021](#) | [2020](#) | [2019](#) | [2017](#) | [2016](#) | [2015](#) | [2014](#) | [2013](#) | [2012](#) | [2011](#) | [2010](#)
- [Maine Labor Posters](#)

The following links provide information and resources concerning Maine employment laws, many of which are enforced by the Maine Department of Labor, Wage and Hour Division.

### Child Labor

- [Relevant Statutes \(Go to Sub-chapter 4, Article 3\)](#)
- [Guide to Maine Laws Governing the Employment of Minors](#)
- [Hazardous Occupations Rules](#) (PDF)
- [Child Labor Poster](#)
- [Work Permits Law](#)
- [Download Maine Work Permit Form](#) (PDF)
- [Download Age Verification Form](#) (PDF)
- [Employers Guide to Youth Employment](#) (PDF)

### Earned Paid Leave

- [Earned Paid Leave Information](#)
- [Relevant Statutes](#)

### Employment Leave for Victims of Violence

- [Rules Relating to Employment Leave for Victims of Violence](#) (Word)
- [Report on the Impact of Domestic Violence Offenders on Occupational Safety & Health: A Pilot Study](#) (PDF)
- [Report on Domestic Violence Survivors at Work: How Perpetrators Impact Employment](#) (PDF)

### Equal Pay

- [2021 Equal Pay Report](#) (PDF)
- [Relevant Statutes](#)
- [Rules Relating to Equal Pay](#)
- [Equal Pay Complaint Form](#) (PDF)
- Equal Pay Self-Audit Tool For Employers ([Word](#)) ([PDF](#))
- [Equal Pay Poster](#) (PDF)

### Family Medical Leave

- [Relevant Statutes](#) (go to section 6-A)
- [Federal Family Medical Leave Law](#)

### Final Payment of Wages

- [Relevant Statutes](#)
- Interpretive Guidance relating to the payout of accrued vacation time ([Word](#)) ([PDF](#))
- [Wage Assurance Fund Statutes](#)
- [Wage Assurance Fund Rules](#) (Word)

### Foreign Workers

- [Visit the Migrant and Immigrant Services Website](#)

### Independent Contractors

- [Independent Contractor vs. Employee: What you Need to Know](#)
- [Report on Misclassification of Workers in the Construction Industry](#) (Word)

### Minimum Wage & Overtime

- [History of Maine's Minimum Wage](#)
- [Limits on Mandatory Overtime](#)
- [Minimum Wage Poster](#)
- [Relevant Statutes](#)
- [Salaried Worker Guidance: A guideline to overtime requirements](#) (PDF)
- [Salary vs. Hourly Test: Rules Governing Definitions for Executive, Administrative, and Professional Exemptions from Minimum Wage and Overtime](#) (PDF)

### Prevailing Wage on State Construction Projects

- [Relevant Statutes](#)
- [Current Construction Wage Rates](#)
- [Rules Relating to Fair Minimum Wage in Construction](#)
- [Occupational Codes](#) (PDF)

### Rest Breaks

- [Relevant Statutes](#)

### Safety

- [Visit the Public Sector Safety Enforcement Website](#)
- [Visit the SafetyWorks! Website](#)
- [Visit the OSHA Website](#)

### Severance Pay

- [Relevant Statutes](#)
- [Severance Pay Rules](#)

### Sexual Harassment

- [Sexual Harassment Training Checklist](#) (PDF)
- [Sexual Harassment Training Poster](#) (PDF)

### Substance Use Testing

- [Relevant Statutes \(See Subchapter 3-A\)](#)
- [Model Substance Abuse Testing Policy and Reports](#)
- [Rules Relating to Substance Abuse Testing](#)
- Study of Employer Attitudes Toward Substance Abuse and Substance Abuse Testing Programs in Maine: [Adobe PDF version](#), [MS Word version](#)

### Unfair Agreements

- [Related Statutes](#)

### The Wage and Hour Division also:

- Consults on related labor laws
- Provides speakers on wage and hour issues
- Provides [Required Labor Posters](#)
- Publishes [Maine Employee Rights Guide](#) and [Guide to Maine Laws Governing the Employment of Minors](#)
- [Title 26 Chapter 7](#) Maine laws governing employment practices
- [New Hire Reporting](#) is a process by which you, as an employer, report information on newly-hired employees to us within 7 days of the date of hire.

Maine Department of Labor

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## Labor Laws

[Labor resources that may be helpful for working women! \(PDF\)](#)

### Updates

- [2023 Labor Law Changes](#) (Summary)
- [2022 Labor Law Changes](#) (Summary)
- [2021 Labor Law Changes](#) (Summary)
- [2020 Labor Law Changes](#) (Summary)
- [2019 Labor Law Changes](#) (Summary)
- [2017 Labor Law Changes](#) (Summary)
- [2016 Labor Law Changes](#) (Summary)
- [2015 Labor Law Changes](#) (Summary)
- [2014 Labor Law Changes](#) (Summary)
- [2013 Labor Law Changes](#) (Summary)
- [2012 Labor Law Changes](#) (Summary)
- [2011 Labor Law Changes](#) (Summary)
- [2010 Labor Law Changes](#) (Summary)

### Resources

- [Youth Employment Information](#)
- [Summary of Maine Employment Laws](#)
- [Frequently Asked Questions on Employment Laws](#)
- [Legislation and Rulemaking](#)
- [Unemployment Laws & Rules](#)
- [Public Sector Workplace Safety](#)
- [Independent Contractors vs. Employee: What You Need to Know](#)
- [Substance Use Testing Law](#)
- [Prevailing Wage Rates in Construction](#)
- [Hiring Foreign Workers](#)
- [Telecommuting Fact Sheet](#)

### Maine Statutes

- [Labor & Industry Laws](#)

### Minimum Wage

- [Minimum Wage FAQ](#)

### Department of Labor Rules

- [Rule Chapters for the Department of Labor](#)

### Subscribe

Sign up for notices about changes to employment laws and rules

Enter email address

Submit

### Wage and Hour

- [Earned Paid Leave 1/1/2021](#)
- [Maine Employee Rights Guide](#)
- [Maine Labor Posters](#) (Free)
- [Work Permit for Workers Under Age 16](#) (PDF)
  - [Work Permit Instruction Guide](#) (Word)
- [Age Verification Form](#) (PDF)

### Workplace Safety

- [OSHA Forms for Reporting Work-related Injuries and Illnesses](#)
- [Workplace Safety Checklists](#)
- [Workplace Safety Model Policies](#)

### Unemployment

- [Difference Between Employees and Independent Contractors](#)
- [Frequently Asked Questions for Employers](#)
- [Register your Business](#)
- [Report New Hire Information](#)
- [Respond to a Separation / Wage Information Request](#)
- [Unemployment Tax Glossary](#)
- [Unemployment Publications and Forms for Claimants](#)
- [Unemployment Publications and Forms for Employers](#)

### Overtime Rule Changes

- [Overtime Rule Changes That Apply to Maine Employers](#)

### Training

- **Laws Governing Workplace Rights**

This course is designed for human resource or benefits professionals, accountants, business owners, managers, or payroll supervisors. Labor laws can be complex. This seminar covers wage and hour laws, including minimum wage, overtime, youth employment, severance pay, equal pay, leave requirements (family medical leave, family sick leave, and domestic violence) and break requirements. Also, addresses commonly asked labor related questions [Click here for the training schedule that includes this course](#). Note: This course is offered several times a year, more frequently in the fall and spring.
- [Maine's Prevailing Wage for State Construction Jobs](#)