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To: Sen. Mike Tipping and Rep. Amy Roeder, co-chairs
Members, Committee on Labor

From: David R. Clough, State Director in Maine

Re: LD 60 – Allow Employees to Request Flexible Work Schedules

This statement opposed to LD 60 is on behalf of the thousands of small business owners in Maine who are members of the National Federation of Independent Business. Member businesses collectively span a wide range of economic activities; provide jobs and paychecks to about 30,000 people; and help form the economic backbone of hundreds of communities and the State.

- LD 60 creates a new right for employees, a new obligation for small employers, and a new way for small employers to be penalized for getting tripped up by Maine's growing web of labor laws.
- Employees do not need permission from a state law to ask employers for flexible work schedules, so the question is what is the need for LD 60?
- Although LD 60 does not require an employer to grant an employee's request, employers are required to provide a written reason for denying such a request. Reasons may include those among the 9 listed in the legislation or other reason not listed. That's a new paperwork and redtape burden for small employers – and a potential legal trap for not properly following procedures for response and notification to an employee's request.
- LD 60 also creates a new avenue for an employee to allege retaliation if they believe a future action by an employer is related to the employee's request or use of a flexible work schedule.

Most small employers do not have human resources managers who can be tasked with helping manage the new employee rights and employer obligations proposed in LD 60. The new tasks would fall on the shoulder of someone who has multiple responsibilities, adding to that person's risk of not properly following the proposed law or not properly guiding the small business owner.

Apart from particular concerns about LD 60, NFIB urges caution in hitting Maine employers with more labor law requirements at the same time every employer – and especially smaller employers – will be experiencing known knowns and known unknowns regarding use of the new Paid Family & Medical Leave (PFML) law, when employees begin taking up to 60 days (3 months) of leave for qualifying events, starting in May or August of 2026.

Thank you for being mindful of Maine small business owners.