

Testimony of Wyman & Simpson, Inc.

Regarding the Maine Paid Family and Medical Leave Program

Date: January 27, 2026.

Members of the Labor Committee, thank you for the opportunity to provide testimony today. My name is **Michele Cushing**, and I am speaking on behalf of **Wyman & Simpson, Inc.**, a bridge, highway, utility, hydroelectric, and waterfront facilities contractor based in Richmond, Maine. Our company has been building essential infrastructure in this state for more than 100 years, and we employ over 70 full-time Mainers.

We take pride not only in the work we do, but in the benefits we provide to our employees. Offering high-quality benefits at a reasonable cost has always been a core commitment for our organization.

I am here today to express our deep concern regarding the rollout and administration of Maine's Paid Family Medical Leave (PFML) program—specifically the treatment of employers who applied for and were **approved for private plans** through the Maine Department of Labor (MDOL).

Background and Timeline

In April 2025, Wyman & Simpson applied for a private plan, following the rules and guidance provided directly by the MDOL. This included:

- reviewing the “What Employers Need to Know” document circulated by the Department,
- submitting all required documentation,
- paying the application fee, and
- ensuring our substitute plan matched the state plan in all required respects.

We met every requirement, and our private plan was **formally approved on April 23, 2025**.

However, in July 2025, three months after receiving our approval, the Department notified us that our previously approved plan was now considered invalid. The stated reason was a newly added **FAQ #37** on their website, posted *after* our approval, asserting that group trust-based private plans are not allowed.

Notably:

- This FAQ did **not** exist at the time of our application or approval.
- It does **not** reflect an actual change to the law itself.
- It appears to represent an **administrative reinterpretation**, not a statutory requirement.

Despite having complied fully with the law and the Department's own guidelines, employers like us now face the threat of having our approvals revoked for “non-compliance.”

Impact on Employers and Employees

What troubles us most is the impact this has on the very people the PFML law is intended to support—our employees.

The group trust private plan we selected:

- provides **benefits equivalent to the state plan**,
- offers **no reduction in employee benefits**, and

- reduces the **financial burden on employees**, especially important given rising health care costs and increased taxation.

Our intention in pursuing a private plan was simple: to reduce costs for our workforce while maintaining high-quality coverage, particularly as the prefunding requirement approaches in May 2026.

The sudden reversal by the MDOL places employers in a difficult position and suggests an unwillingness to honor its own approval process. For employers who acted in good faith—following every rule and instruction given—this feels less like administration and more like pressure to abandon private options altogether.

Request to the Legislature

We are not asking for special treatment or exceptions. We are asking for **fairness, consistency**, and **adherence to the law as written**.

We respectfully request that the Legislature:

1. **Review the Department's recent reinterpretation** regarding private plans in group trusts.
2. **Ensure that administrative guidance does not override statute** or punish employers who followed the rules in good faith.
3. **Clarify the legal standing of previously approved plans** to prevent retroactive invalidation based on guidance added months later.

Conclusion

Wyman & Simpson is committed to doing right by our employees and to complying fully with state law. We simply ask that the approval we received—and the process we relied on—be honored.

Thank you for your time and consideration.

Michele Cushing

Richmond

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Testimony is attached.