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**Testimony of Dillon Murray,  
Legislative Liaison, Maine Department of Labor  
In Opposition to  
LD 833, An Act to Expand the Earned Paid Leave Exception  
To the Joint Standing Committee on Labor  
Hearing, March 19, 2025**

Good afternoon Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor. My name is Dillon Murray, Legislative Liaison for the Maine Department of Labor (Department). I am here today to speak on behalf of the Department in respectful opposition to LD 833, "An Act to Expand the Earned Paid Leave Exception."

Maine's Earned Paid Leave (EPL) law, enacted in 2019 and implemented in 2021, was designed to provide employees with a guaranteed ability to accrue and use paid leave for any reason. EPL applies to employers with more than 10 or more employees in Maine for more than 120 calendar days in any calendar year. Under current law:

- Employees earn one hour of paid leave for every 40 hours worked, up to a maximum of 40 hours per year.
- Accrual begins at the start of employment, but employees are not eligible to use accrued leave until they have worked for 120 days.
- Employers must allow accrued, unused hours from the prior year to be available for use in the following year.
- Employers may require up to four weeks' notice for leave requests if the leave is foreseeable and does not create undue hardship on the business.
- The law acknowledges that some businesses may face operational challenges when employees take leave and allows employers to deny leave requests if granting them would cause undue hardship—providing a safeguard to ensure business continuity while still protecting employees' right to take earned leave. Undue Hardship is defined in Department Rules. This language is a summation of an already existing definition of "undue hardship" currently used in our Rules Governing Employment Leave for Victims of Violence.

The current law balances the needs of workers with business operational concerns by ensuring predictability and flexibility while maintaining a minimum standard of leave availability. LD 833 seeks to exempt employers who provide 80 or more hours of paid leave annually from Maine's EPL law. Specifically, this bill removes those employers from the requirement to comply with EPL regulations, which currently guarantee unrestricted use of paid leave.

When EPL was passed, its intent was to allow employees to use their earned leave without restrictions. The law recognizes that not all leave can be planned in advance. LD 833 could allow employers to impose strict limitations on how and when workers use their leave. For example, if a worker's partner suddenly falls ill, an employer might deny leave because it was not pre-scheduled.

EPL was designed to provide a universal minimum standard for all Maine workers. LD 833 effectively excludes a subset of workers from those protections, creating inequities in how employees can access paid leave across different workplaces.

The goal of EPL was to recognize that workers need paid leave that can be used for any reason, including emergencies and unexpected events. This bill removes that assurance. While the Department believes that most employers are high road and would not seek to undermine or outright eliminate paid leave for employees, there is a risk that some businesses could reclassify leave policies in ways that do not provide the same flexibility as EPL.

The Maine Department of Labor opposes LD 833 because it eliminates important regulations that structure how earned paid leave is provided, creating the potential for overly restrictive leave policies. We believe the program works well, and as intended. The original intent of Maine's EPL law was to ensure all workers have access to flexible, unrestricted paid leave that could be used as needed, including for emergencies. By exempting certain employers from EPL regulations, LD 833 removes these protections and allows businesses to impose restrictions that the law was designed to prevent.

While the Department stands ready to implement any policy changes enacted by the Legislature, we urge the Committee to carefully consider how this bill would weaken critical worker protections and undermine the purpose of Earned Paid Leave in Maine.

Thank you for your time and attention. I would be happy to answer any questions you may have now or at a future work session.

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.