



Maine Women's Lobby

January 27, 2026

Senator Tipping, Representative Roeder, and Honorable Members of the Committee on Labor,

I join you today on behalf of the Maine Women's Lobby. We have advocated for gender justice for over 40 years – and for paid family and medical leave for most of them. As the conveners of the Maine Paid Leave Coalition, we support the development of a strong paid family and medical leave system, one that was researched for years and passed by this Legislative body nearly three years ago, and includes guardrails and clarification for both workers and employers so everyone has fair access to a strong paid leave program.

For this reason we are here in support of **"LD 2018 An Act to Amend the Requirements Governing Self-insurance Plans in the Paid Family and Medical Leave Benefits Program"** and appreciate Representative Mathieson bringing this forward, on behalf of the Maine Department of Labor.

Maine's PFML law was designed with flexibility in mind, giving employers an option to opt out of the state fund and use the best private PFML program for their business. This type of opt-out is common in modern PFML laws, with 10 of the 13 PFML laws across the country offering some form of private plan option.¹ This gives employers the opportunity to have some choice in the benefits they provide and gives this additional flexibility within the law. However, all of the 10 private plan opt-outs include strong safeguards to ensure that private plans still offer employees the same benefits as the state funds.²

Employers who are able to take advantage of private plan opt-outs are typically larger in size and already have a menu of benefits for their employees. The private plans allow these types of employers to continue to use their benefits administrators and streamline application processes for their employees. The technical changes being proposed around self-administered private plans offer clarity and guardrails required for strong PFML programs, which protect small employers, their workers, and the PFML trust fund as a whole.

Maine's Paid Family and Medical Leave law and program is comprehensive and well informed. Throughout the research during the Legislative Commission private plan opt outs were discussed, and the option of both approved insurance plans and self-insured options were shared. However, creating a third option of employers pooling resources to create a third private trust fund option was not mentioned or discussed. The proposed language outlining self-insured private plan opt outs clarifies that pooling resources between multiple employers outside of the state fund is not included within the self-insured private plans. The creation of a third option or a competing trust fund is not the common intention of the self-insured plans.

¹ A Better Balance. "Overview of Family Leave Laws in the United States." *Family Leave Laws*, A Better Balance, <https://www.abetterbalance.org/family-leave-laws/>.

² Boyens, Chantel, et al. "Executive Summary: Paid Family and Medical Leave and Employer Private Plans." Center for Law and Social Policy, July 2021, https://www.clasp.org/wp-content/uploads/2022/01/2021_PFML-and-Employer-Private-Plans_Exec-Summ.pdf

Ensuring equity for both employers and employees is the cornerstone of Maine's PFML policy, and establishing robust guidelines and guardrails for those who have the privilege to opt out is necessary. Research is still lacking when it comes to the experiences of workers covered under private plan options in each state. **The clarification offered by LD 2018 keeps the program strong and ensures workers' benefits are protected.**

It is important that PFML programs create equity in structure and access to the more than 600,000 workers supported by the law. **Adding clarity and conditions to self-insured plans protects workers from employers who are trying to circumvent the system, and offers a fair playing field to small employers who cannot afford to opt out into the private market.**

The intention of Maine's PFML law is that the pooling of resources to create a shared trust is the public plan. Clearly stating this in statute is important to the integrity of the program as it is implemented in the months to come.

We hope you will vote 'Ought to Pass' on LD 2018 and protect paid leave.

Sincerely,

Destie Hohman Sprague
Maine Women's Lobby