



WORKER RIGHTS · MAINE

Know Your Rights in Maine

What every hospitality worker should know, in plain language.
No legal jargon.

This guide is general information about Maine employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

General information only — not legal advice.

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Your Paycheck

Maine is the leave state. It invented paid leave you can use for any reason, and its paid family and medical leave program is no longer coming: benefits have been paying since May 1, 2026. Maine workers hold leave rights almost no other state matches. The fine print matters, and this guide keeps it in view.

- State minimum wage: \$15.10 an hour since January 1, 2026. Maine adjusts the wage every January 1 for inflation. The announced rate for January 1, 2027 is \$15.70. Agricultural workers are covered by the state minimum wage under a 2025 law.
- Portland pays more: \$16.75 an hour in 2026, rising to \$17.75 in 2027 and \$19.00 in 2028, then inflation-adjusted. During a declared emergency covering your workplace, Portland's wage becomes 1.5 times the regular Portland rate (telework excluded). Retaliation for asserting Portland wage rights is unlawful. Complaints go to the Portland City Manager's office.
- Rockland pays \$16.00 an hour in 2026.
- Pay frequency: you must be paid in full at intervals of no more than 16 days, on an established payday. Your employer cannot stretch the pay interval without 30 days' written notice, and must give at least one day's notice before cutting your wage.

Tips

- Maine calls tipped workers service employees: more than \$191 a month in tips in 2026, and \$199 in 2027.
- The tip credit is capped at half the minimum wage. Your direct cash wage must be at least \$7.55 an hour in 2026 (\$7.85 in 2027), and your employer must be able to show your direct wage plus tips reached the full minimum wage for the week. If your tips came up short, the employer must make up the difference.
- Before using the tip credit, your employer must tell you the direct wage, the credit amount, and that the credit cannot exceed tips you actually received. No notice, no credit.
- Your tips are your property. Tips charged to a credit card, and charges automatically added to a customer's bill, are tips and belong to you. Card tips must be paid by the next regular payday, and your employer may not deduct card processing fees from them.
- Tip pooling: when your employer uses the tip credit, the pool may include service employees only. When everyone in the group is paid the full minimum wage with no tip credit, a broader pool is allowed. But the employer, managers, and supervisors may never take from any pool.
- Banquet and private-club service charges are different: they are not tips, the customer must be told so, and the employer may apply them toward its wage obligations.
- Portland's direct wage for service employees in 2026 is \$8.38 an hour, half the city rate.

Overtime

- Time and a half after 40 hours in a week. Maine has no daily-overtime rule.
- The salaried exemption threshold is \$871.16 a week (\$45,300.32 a year) in 2026, rising to \$905.79 a week in 2027. Salary alone is never the whole test. Your duties count too.
- Mandatory-overtime cap: your employer generally may not require more than 80 hours of overtime in any two-week period, with exceptions for emergencies, essential services, exempt salaried staff, and agricultural workers.
- Maine's overtime law has industry carve-outs. It does not apply to the canning, processing, packing, or distributing of agricultural produce, meat and fish products, and perishable foods (egg-processing facilities with over 300,000 laying birds are carved back in). If you work in Maine seafood or food processing, read your pay stub with this in mind. Federal law may still cover you.

Final Pay and Unpaid Wages

- Final pay: everything you are owed by your next established payday after the job ends, the same deadline whether you quit or were fired, and never more than two weeks after a demand.
- Accrued vacation must be paid out when you leave, for work accrued on or after January 1, 2023, except at employers with 10 or fewer employees and public employers, or where a union contract says otherwise.
- If your employer does not pay: a worker who wins recovers the unpaid wages plus an additional twice that amount as liquidated damages, plus interest and attorney's fees. Violations also carry fines of \$100 to \$500 each. File with Maine DOL. See Section 11.

Breaks

- The 30-minute rule: you may not be made to work more than 6 consecutive hours without the opportunity for at least 30 consecutive minutes of rest, emergencies excepted. The rest period may serve as your unpaid meal break only if you are completely relieved of duty.
- Exception: workplaces with fewer than 3 employees on duty, where the work allows frequent shorter paid breaks.
- Nursing mothers must be given break time, unpaid or using paid break or meal time, to express milk, and a clean space that is not a bathroom.

Earned Paid Leave: Paid Time Off for Any Reason

- Maine's Earned Paid Leave law was the first of its kind in the nation, and it is not sick-only: the law sets no limit on your reason for using it.
- At employers with more than 10 employees, you earn 1 hour of leave for every 40 hours worked, up to 40 hours a year. Accrual starts on day one. Your employer may hold use until you have been employed 120 days. Unused hours carry into the next year without shrinking what you can earn.
- You are paid at least your regular base rate while on this leave. Give reasonable notice when you can. Leave is scheduled to avoid undue hardship to the employer.
- Hospitality warning: employment in a seasonal industry is excluded from this law, and many seasonal hospitality jobs sit outside the mandate. Your employer's own policy may still give you the time. The state law may not. See Section 10.

Paid Family and Medical Leave (PFML): Live Now

- Benefits began May 1, 2026. This program is paying claims today, administered for the state by Aflac. Contributions started January 1, 2025: 1% of wages at employers with 15 or more employees, up to half deducted from your pay, and 0.5% at smaller employers.
- Up to 12 weeks of paid leave per benefit year for your own medical leave, bonding with a new child, caring for a family member, military-family leave, or safe leave. Apply up to 60 days before the leave, and no later than 90 days after it starts. Applications opened March 30, 2026.
- Benefit formula: 90% of the part of your average weekly wage up to half the state average weekly wage, plus 66% of the part above that, up to a maximum of the state average weekly wage.
- Waiting period: medical leave benefits skip the first 7 days, once per benefit year. Other leave types have no waiting period.
- Eligibility is based on earnings: six times the state average weekly wage across your base period. Earnings from any Maine employer count, so a new job does not reset you to zero.
- Job protection: after 120 days with your employer, your job, or an equivalent one, is protected while you are on approved leave. Retaliation is prohibited regardless of tenure. Your employer cannot force you to burn your own PTO while on PFML, and PFML runs at the same time as federal and state FMLA when all apply.

Non-Competes

- If you earn at or below 400% of the federal poverty line for an individual, your employer may not make you sign a non-compete at all. Non-competes are also barred for non-owner veterinarians and, under a 2025 law, non-owner health care practitioners.
- For everyone else, a Maine non-compete is enforceable only as far as reasonable to protect trade secrets, confidential information, or goodwill.
- Procedural rights: the employer must disclose before the offer that a non-compete will be required, give you a copy at least 3 business days before you must sign, and the terms do not take effect until the later of one year of employment or six months after signing (physicians excepted).
- An employer that violates these rules commits a civil violation with a fine of not less than \$5,000, enforced by Maine DOL.

Salary History

- A Maine employer may not ask about or use your pay history, from you or from a former employer, until after a full offer, including all compensation terms, has been negotiated and made. Only then may they confirm it.

Hospitality Callouts

- Seasonal-industry exclusion: the any-reason Earned Paid Leave in Section 6 does not cover employment in a designated seasonal industry. That is a real carve-out for Maine's seasonal hospitality workforce.
- Seafood and food processing sit outside Maine's overtime law (Section 3), a major Maine industry where the state time-and-a-half rule does not reach.
- Banquet and private-club service charges are not tips (Section 2). Event and venue staff should know the difference on their own pay stubs.
- Local floors beat the state floor in Portland (\$16.75, with the 1.5 times declared-emergency rate) and Rockland (\$16.00).
- Camp counselors at licensed organized camps are exempt from the wage subchapter. Peak-season scheduling is still bounded by the 80-hour mandatory-overtime cap for most other staff.

Filing a Claim

- Wage problems, including final pay, minimum wage, tips, overtime, breaks, and Earned Paid Leave: Maine DOL Bureau of Labor Standards. Complaint portal: maine.gov/labor/complaint. Phone: (207) 623-7900. Email: bls.mdol@maine.gov. You may also sue directly. See Section 4.
- Discrimination: Maine Human Rights Commission, within 300 days of the act: maine.gov/mhrc/file, (207) 624-6290. Federal charges in Maine also carry a 300-day deadline at the EEOC's Boston Area Office.
- PFML questions and claims: maine.gov/paidleave. Call center: (207) 621-5024.