

Maine Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

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Paid Time Off (PTO) in Maine

Maine is the first state to require employers to provide [paid leave for any reason](#), including non-medical personal reasons. The law (ME Rev. Stat. tit. 26, § 637) was enacted in 2019, and effective from January 1st, 2021. Employees can accrue 1 hour of paid leave time for every 40 hours worked.

Maine's Earned Paid Leave (MEPL)

Employers Who Are Covered

This law applies to all employers, including private-sector employers, with more than ten (10) employees in Maine for more than 120 days in any calendar year.

Covered Employees

It includes all employees and all industries: full-time, part-time, temporary workers, and per diem workers covered by the state's unemployment insurance law.

Exception

The Earned Leave Act does not apply to employees in seasonal industries, agricultural labor, certain commission-only employees, direct sellers, and hairdressers or tattoo artists with booth rental agreements. In addition, employees covered by CBAs (collective bargaining agreements) as of 1/1/2021 are excluded until the expiration of the agreement. New contracts negotiated after this date must include Earned Paid Leave as a benefit.

Accrual

Employees accrue one hour of paid leave for every 40 hours worked, up to a maximum of 40 hours in one year of employment. Employers are permitted to provide a benefit above this minimum. Employers may cap accrual at 40 hours.

Roll Over

An employer must let employees carry over unused accruals (up to 40 hours) from year to year.

Employers that front-load at least 40 hours of leave at the start of the year or on the employee's anniversary date don't have to track accruals or allow carryovers.

Use

Employees can use their accrued Earned Paid Leave for any reason, such as an emergency, illness, sudden necessity, planned vacation, etc.

Employers must let employees take MEPL in as little as one-hour increments but may allow smaller increments. An employer can't require employees to use leave for the employer's purpose, such as a business closing or canceled shift.

Notice

Employees may be required to give "reasonable notice" (up to 4 weeks in advance) of their intention to use the leave for any reason other than an emergency, illness, or sudden necessity.

Employees are required to notify employers as soon as possible if the use of Earned Paid Leave is for an emergency, illness, or sudden necessity.

Waiting Period

Although new employees will begin to accrue leave at the start of employment, employers can apply for a 120-day wait period before employees can use their accrued MEPL.

Payout of Unused Earned Paid Leave and Separation of Employment

Under current law, on cessation of employment, if the terms of employment or established practice include provisions for paid vacations, vacation pay has the same status as wages earned.

Beginning on January 1, 2023, employers must pay employees for all accrued but unused paid vacation leave when an employee leaves the company for any reason, including resignation, termination, or layoff.

Employers who are not covered by Maine's Earned Paid Leave (MEPL)

Vacation Leave Quota

Private employers not covered by Maine's Earned Paid Leave are not required to provide paid or unpaid vacation. However, if an employer chooses to offer vacation leave to its employees, paid or unpaid, it must comply with appropriate state law, established company policy, and employment contract.

Accruals

Accruals are not compulsory for employers not covered by MEPL, but they are widely used by companies. An employer may cap the amount of leave (set the limit) an employee may accrue to prevent an employee from accruing vacation over a certain number of hours.

For more information, please visit vacationtracker.io

Roll Over (Carry Over, Brought Forward)

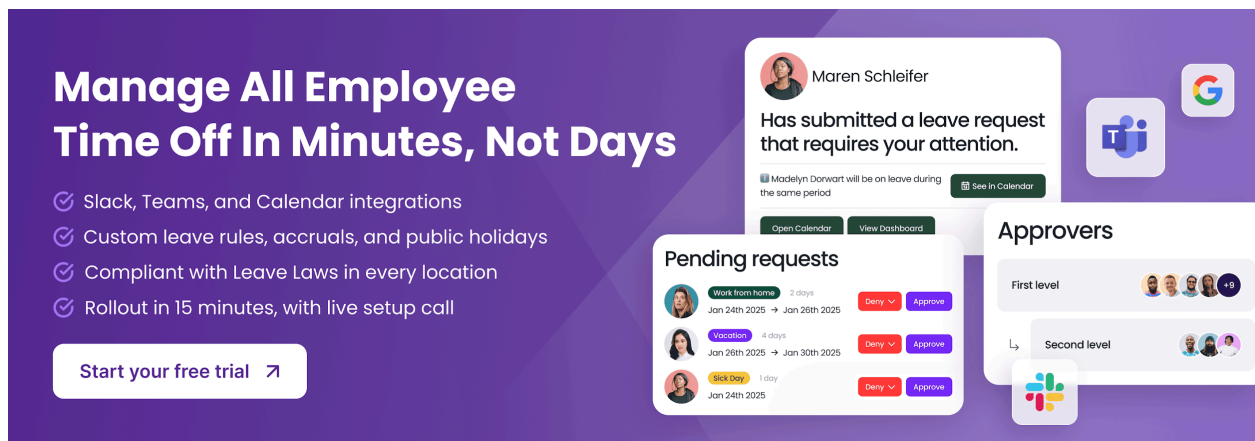
A Use-It-or-Lose-It policy is not prohibited. Therefore, an employer is not obligated to let employees roll over unused leave into the following year. A Use-It-or-Lose-It vacation policy implies that an employer doesn't have to pay employees for unused vacation leave at the end of the year. That way, an employee loses the remaining vacation days, unpaid.

Statutory Provisions Addressing Vacation Pay

Paid vacation time will be treated as wages if, under the terms of employment, the employee is entitled to vacation pay.

Payment of Accrued, Unused Vacation on Termination

No, employers are not required by law to pay accrued, unused vacation on termination. Employers are only required to pay accrued vacation pay upon employee termination if they have a policy that requires it.



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Notification: Maren Schleifer has submitted a leave request that requires your attention. Madelyn Darwart will be on leave during the same period. [Open Calendar](#) [View Dashboard](#) [See In Calendar](#)

Pending requests

Request Type	Duration	Period	Actions
Work from home	2 days	Jan 24th 2025 → Jan 26th 2025	Deny Approve
Vacation	4 days	Jan 26th 2025 → Jan 30th 2025	Deny Approve
Sick Day	1 day	Jan 24th 2025	Deny Approve

Approvers

First level: [User 1] [User 2] [User 3] [User 4]

Second level: [User 5] [User 6]

Sick Leave in Maine

Federal law requires up to 12 weeks of unpaid, job-protected sick leave. State law – Maine’s Earned Paid Leave (MEPL) and Maine Medical and Family Leave.

Federal Laws – Leave Quota

The federal Family and Medical Leave Act (FMLA) entitles qualified employees to take job-protected leave up to 12 weeks off for personal medical reasons, to care for a close family member suffering from a severe illness, or for maternity/paternity leave. If an employee is caring for an ill or injured military family member, the leave is increased to 26 weeks per year (military caregiver leave).

Employees qualify for FMLA benefits if they:

- Have worked for their employer for at least 12 months (a minimum of 25 hours per week) or have worked at least 1,250 hours over the past 12 months
- Work at a location where the company employs at least 50 employees (within a 75-mile radius)

It is up to each employer to offer sick leave benefits outside of the minimum federal requirements.

Check out our article on [FMLA](#) to learn more.

Maine State Laws

Maine’s Earned Paid Leave (MEPL)

Maine’s law, “An Act Authorizing Earned Employee Leave,” requires employers to let employees take paid time off for any reason, not just sick leave. To learn more about this law, go to the section [Paid Time Off \(PTO\) in Maine: Maine’s Earned Paid Leave \(MEPL\)](#).

For more information, please visit vacationtracker.io

Medical and Family Leave in Maine

The Maine Family Medical Leave Requirements Act (MFMLRA) requires private employers with 15 or more employees at one location to provide employees with 10 weeks of unpaid family medical leave in a period of 2 years.

Employees can use the leave for the following reasons:

- the employee's own serious health condition
- to care for an employee's newborn child or the employee's domestic partner's child
- to care for a newly adopted child under the age of 16
- the serious health condition of the employee's child, domestic partner's child, parent, domestic partner, sibling, or spouse
- when an employee or employee's family member is a victim of violence, assault, stalking, or any other act that would support order for protection
- to donate an organ for a human transplant
- the death or serious health condition resulting from the active duty of the employee's spouse, domestic partner, parent, sibling, or child who was a member of the military.

Employees are required to provide notice at least 30 days before the leave dates.

Maternity, Paternity, FMLA in Maine

Federal law

12 weeks of unpaid maternity or paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) is a federal law that mandates employers to provide at least 12 weeks of unpaid family leave following the birth or adoption of a child. Unless otherwise authorized by the employer, an employee must take this leave continuously.

In general, employees are qualified to take FMLA leave if they have worked for their employer for at least 12 months and at a location where they employ at least 50 employees within 75 miles. For more information about eligibility for FMLA benefits, look above under the section [Sick Leave in Maine: Federal Laws – Leave Quota](#).

The Pregnancy Discrimination Act (PDA) is yet another federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is prohibited in all areas of employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

Additional State Laws in Maine

The Maine Family Medical Leave Requirements Act (MFMLRA) covers also the birth or adoption of a child. For more information, look above under the section *Sick Leave in Maine: Medical and Family Leave in Maine*.

Payout

Maternity leave in Maine is unpaid.

Bereavement Leave in Maine (Funeral Leave)

[Employers in Maine aren't required to give bereavement leave.](#)

No federal or Maine law requires an employer to provide employees with paid or unpaid bereavement leave or any time off to attend an immediate family member's funeral. If an

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employer decides to provide bereavement leave for employees, they may be required to follow a bereavement policy they have in place.

Payout

Bereavement leave in Maine is unpaid.

Jury Duty Leave in Maine

Employers are required to provide employees with unpaid time off to perform their jury duties.

Employers are required to provide employees with unpaid, job-protected leave to perform their jury duty. Employees are entitled to keep the same position, seniority, and other benefits after jury service. Notice requirements apply; employees may have to show their employer their jury summons to be given the necessary leave.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

Payout

The court pays:

Employees who serve as jurors in Maine are paid \$15.00 a day (juror pay is a token amount).

The employer pays:

Employers in Maine are not required to pay employees for jury duty leave.

Military Leave in Maine

An employer must allow employees to take unpaid military leave.

Federal Law

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law, that applies to all employers in the U.S. USERRA protects Army and Air National Guard members, provides reinstatement rights, protection from discrimination, and unlimited leave for active duty. Employees must be granted up to five years of unpaid leave for military service (with exceptions). Employees are entitled to continue receiving group health insurance for 24 months after taking a leave. When employees return from military leave, they must be assigned to their previous (or equivalent) position.

Maine Military Leave

Employers must allow their employees who are members of the National Guard or reserves to take military leave. Leave may be paid or unpaid, at the employer's discretion. After their service, the employee is entitled to return to their job or a job with the same seniority and other benefits.

Employers must continue benefits for the first 30 days of military leave at no additional cost to the employee. After 30 days, the employee must have the option of continuing these benefits at their expense.

The employer must allow a period of time before requiring an employee returning from military leave to report back to work, based on the length of the military service.

Length of Military Service	Length of Rest
3 days or less of military service	24 hours
Military service ranging from 3 to 15 days	48 hours
Military service for 15-30 days	72 hours
Military service ranging from 30 to 180 days	2 weeks
180 days or longer	90 days

Family Military Leave

Employers with 15+ employees must provide eligible employees with up to 15 days of unpaid family military leave per deployment. An employee must be a family member of a service member: the enlisted individual's spouse, domestic partner, or parent. An employee must have worked for the employer for at least a year and have put in at least 1,250 hours in the 12 months before the start of the requested leave in order to be eligible.

Family military leave is only available during:

- 15 days before deployment
- A specified time during the deployment
- 15 days after deployment

During leave, the employer must allow the employee to continue receiving benefits at the employee's expense. An employee must be reinstated to his or her prior position or one with an equivalent level of seniority, benefits, pay, and other terms of employment upon return from leave.

Payout

Military leave is unpaid.

Voting Leave in Maine

The state of Maine has no statute governing voting leave.

No employer is required to offer paid or unpaid time off for voting.

Payout

Voting leave is unpaid.