

Update (09/12/24): A new ME Paid Family and Medical Leave program will provide up to 12 weeks of family leave, safe leave, and qualifying exigency leave for qualified employees, beginning May 1, 2026. The Maine Department of Labor will administer the program and will establish procedures for claim filing. The program is funded by a 1% payroll tax split evenly between the employer and employee, beginning January 1, 2025.

Covered employees include all public, private full-time and part-time employees (including self-employed individuals) who have earned at least six times the state average weekly wage in the first four of the last five completed calendar quarters immediately preceding the first day an individual's benefit year. The current average weekly wage in 2024 is \$1,144.67, meaning if an individual has earned at least \$6,868.02 in the year prior to taking leave, they are covered. All employers are covered by the new PFML program. Although employers with less than 15 employees are not required to contribute toward the payroll tax, they must still collect and remit their employee's portions of the tax. Private employers that offer an equivalent or greater paid leave benefit may apply to the state for a waiver to avoid participating in the state program.

Eligible employees or self-employed individuals may take up to 12 weeks of Paid Family and Medical Leave for the following reasons: To bond with a child during the first 12 months after the child's birth, placement, adoption, or foster care with the covered individual; to care for a family member with a serious health condition; to attend a "qualifying exigency"; to care for a family member of the covered individual who is a covered service member; safe leave (also known as sexual assault victim leave); as well as any reason under Maine's Family and Medical Leave Statute which includes:

- A serious health condition of the individual
- Birth of the employee's child or individual's domestic partner's child
- Placing a child 16 years of age or under with the individual or the individual's domestic partner in connection with adoption of the child
- For the death or serious health conditions of certain family members in the military who died or incurred a serious health condition while on active duty (spouse, domestic partner, parent, sibling or child)
- For the donation of an organ of the individual for a human organ transplant

The law defines a "Family Member" as a biological, foster, step, or adopted child (regardless of age); grandparent; grandchild; sibling; spouse or domestic partner; or an individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship. An employee may take up to 12 weeks of family leave and 12 weeks of medical leave, but not to exceed more than 12 weeks allotted per leave type in an applicant year. Leave may be taken intermittently in increments not less than one day or, with employer agreement, employees may take leave in smaller increments no less than one hour.

The ME PFML benefit will replace 90% of an employee's wages for income earned that is equal to or less than 50% of Maine's average weekly wage, and if the portion of the covered individual's average weekly rate is more than 50%, the state average weekly wage must be replaced at 66% up to the weekly maximum benefit. The maximum weekly benefit amount will be determined closer to the law roll out, and may be adjusted each year. Employees may file an application no earlier than 60 days before the anticipated start date of PFML, and no more than 90 days after the start date of leave.

Update (10/18/24): Further information on the ME PFML program has been provided on their website, including a list of FAQs. Recently published, you can find a [one-page document](#) on what employers need to know related to program contributions, as they are beginning January of 2025. Lastly, the [required workplace poster](#) is now available. As a reminder, this will need to be placed within your workplace where workers will be able to easily view.

Update (12/27/24): Maine has adopted finalized rules applicable to the upcoming PFML program, which can be found [here](#). Most of the final rules can be interpreted as further clarification on already established components of the program - here are some key points:

- The definition for what is considered "good cause" has been added, to clarify circumstances where the application deadline may be waived should the employee be prevented from filing due to a serious health condition or other inability to file.
- An employee's weekly benefit amount will be based on the state average weekly wage published on the July 1 date immediately preceding the starting date of the leave, or the date the application for benefits is made (whichever is earlier). The amount established will remain the same throughout the life of the claim.
- An employee's notice to their employer of the need for PFML leave must be made in writing.
- Applications for a private plan may be made after April 1, 2025, with an application fee of \$250 for a review of the application.
- The definition of health care provider includes those qualified under FMLA.
- Any leave taken under FMLA or Maine's Family and Medical Leave Act within the 12-month period preceding ME PFML leave that was not concurrently taken with ME PFML, will be reduced from ME PFML.

Finally, the online system that employers can use to file wage reports and remit contributions will become available on January 6, 2025. You will need to register for your business account to begin wage reporting in April. You can find more information like a Portal demo and Q&A on the [ME PFML website](#), under "Maine Paid Leave Contributions Portal".

What is the Update?

Larkin		Maine - Leave Highlights	
Handbook/Policy Updates		Updates to your company handbook may need to be made if you include Maine state-specific leave benefits information.	
Notice Requirements		Employers will be required to provide a workplace poster as well as a written notice to each employee within 30 days of the start of employment.	
Larkin Action		The Larkin Company will consider any law changes carefully, and update our internal resources and processes, as well as our employee leave information packets, if necessary. We will continue to monitor any updates regarding the laws and will keep our clients updated.	
Further Company Considerations		N/A	
Resources		ME PFML Website ME PFML Bill LD 258 ME Family and Medical Leave Statute What Employers Need to Know: Program Contributions	

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