Client Alert

Maine: New Law Governing Workplace Electronic Monitoring

WHAT'S NEW: Maine recently enacted *An Act to Regulate Employer Surveillance to Protect Workers*, which effectively implements new limitations and obligations with respect to employer surveillance of employees. The Act becomes effective on or around **July 14, 2026**.

WHY IT MATTERS: The new law applies to all employers, regardless of size. Employer surveillance is defined as "the monitoring of an employee by an employer through the use of an electronic device or system, including, but not limited to the use of a computer, telephone, wire or radio or an electromagnetic, photoelectronic or photo-optical system." This does not include cameras used for security or safety purposes or for GPS tracking or other safety devices on company-owned vehicles.

Employer Limitations under the Law:

- Employers may not conduct any surveillance of employees without issuing notice to employees.
- Employers may not use audiovisual monitoring in an employee's residence, personal vehicle, or personal property unless such monitoring is required by the employer for duties of the job.
- An employee may decline a request by an employer to install data collection or transmission applications on the employee's personal electronic devices for the purpose of employer surveillance.

Employer Obligations under the Law:

- Inform job applicants during the interview process that the employer engages in surveillance; and
- Prior to using any surveillance system, provide written notice to all current employees about the use of surveillance tools and then annually thereafter.

Notably, the law does not apply to employer surveillance that has been installed in a setting in which personal care services are expected to be provided by an employee. Personal care services are services provided by a licensed personal care agency, including services related to activities of daily living, household tasks and medication reminders.

WHAT EMPLOYERS SHOULD DO: Employers should review any surveillance systems including audiovisual monitoring and establish any changes that need to be made to comply with the new law. Employers should prepare an employee notice explaining that surveillance tools are used and prepare a process for distributing these to employees before the law's effective date and annually thereafter. Practices and policies should be revised to include disclosure of surveillance systems during the interview process and to include options for employees to decline installation of any data collection application on personal electronic devices.

If you have any questions, please contact your HR Business Partner/Consultant.