Client Alert

Maine Paid Family and Medical Leave Benefits Become Available May 1, 2026

WHAT'S NEW: As previously addressed here, Maine enacted a paid family and medical leave benefits program. Beginning May 1, 2026, employees will be able to utilize paid benefits under the new program.

WHY IT MATTERS: Eligible employees will soon be able to request leave and paid benefits through the state program. While leave under the program cannot be taken until May, the Maine Department of Labor (DOL) will begin accepting applications in April. Important details for employers to know:

- **Employer Notice Requirements.**
  - Employers must post a workplace notice in a conspicuous place at its premises. https://www.maine.gov/labor/docs/2025/posters/pfml/englishposter.pdf
  - Employers must also provide a written notice of the program to each employee within 30 days of hire. https://www.maine.gov/paidleave/docs/2026/employers/plans/EmployeeWrittenNoticepublicplanEnglish.pdf
- **Increments of Leave.** Employees may take leave on a continuous, intermittent or reduced schedule basis.
- **Employee Notice Requirements.** Employees must give reasonable notice to the employer of their intent to use leave. Thirty days' notice is presumed to be reasonable notice. In the case of an emergency, the employee shall provide written notice as soon as feasible under the circumstances.
  - Once an employee notifies the employer of the need for leave, employers should enter the leave in the Leave Management tool in the Manager's Portal, or reach out to the Engage leave team at LOA@engagepeo.com.
- **Application for Benefits.** To request paid leave benefits an employee must submit an application with the Maine DOL. To submit an application online, employees may go to: https://www.maine.gov/paidleave/
- **Employer Response and Review Period.** Once an employee submits an application, the Maine DOL will notify the employer within 5 days in order to determine whether there is an agreement as to the scheduling of the leave. If there is an agreement, then processing of the application will proceed immediately. If there is no agreement, the employer has 10 days to submit any additional facts or information regarding the employee's eligibility.
- **Undue Hardship.** If the employer has determined that the proposed scheduling of leave constitutes an undue hardship the employer should inform the state during the 10-day review period, along with any supporting documentation *(Note: there are specific requirements that must be met in order for an employer's determination of undue hardship to be considered reasonable)*. A finding of undue hardship does not necessarily result in a denial of leave, but rather a rescheduling of the leave for a less disruptive time.

- **Employee Reinstatement.** Employees, who have been employed for at least 120 days prior to taking leave under the Maine program, are entitled to be restored to the same or equivalent position upon their return *(Note: employees who have not worked for the employer for 120 days may still be entitled to reinstatement under other applicable leave laws)*.

WHAT EMPLOYERS SHOULD DO: Employers should update their policies as necessary, post and distribute the requisite notices, and ensure that managers are aware of the paid leave program.

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