

# Minimum Wage



Labor Laws of the State of Maine provide protection for people who work in Maine. The Maine Department of Labor administers the laws, which all employers must follow. Department representatives inspect workplaces to ensure compliance. Citations and penalties may be issued to employers who do not comply.



**Maine Law (Title 26 M.R.S.A. § 42-B) requires every employer to place this poster in the workplace where workers can easily see it.**

This poster is available online at no charge and may be copied: <https://www.maine.gov/labor/posters/>

## Minimum Wage is \$13.80 per hour effective January 1, 2023

### Minimum Wage

Under Maine labor laws, any business operating in the state with one employee is automatically covered by state law. This includes all public and private employers regardless of profit or size. Effective January 1, 2023, the minimum wage in Maine is \$13.80 per hour.

### Municipal Minimum Wage Ordinances

Employers with employees who work in Bangor and/or Portland or any other municipality that passes a local minimum wage ordinance, may be subject to additional regulations and should check with municipal officials.

### Service Employee

A service employee is someone who regularly receives more than \$175 a month in tips. As of January 1, 2023, employers must pay a direct service wage of at least \$6.90 per hour. If the employee's direct wage combined with earned tips do not average, on a weekly basis, the state required minimum wage, the employer must pay the difference.

### Overtime

Unless specifically exempted, employees must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one and one-half their regular rate of pay. Employers have the right to allow or deny overtime, but if overtime is worked, it must be paid in accordance with state requirements. Compensatory or "comp" time cannot be used by private-sector employers, although private-sector employers can allow employees to flex their time within the workweek (but not the pay period if the pay period is longer than a seven day cycle in the workweek).

### Exemptions from Overtime

Maine statutes incorporate by reference the salary requirements under the Fair Labor Standards Act (FLSA). The new minimum salary requirement will be \$796.17 per week as of January 1, 2023. Salary is only one factor in determining whether a worker is exempt from overtime under federal or state law. The duties of each worker must be considered as part of this analysis. Failure to adhere to both requirements—meeting the duties test and the weekly salary threshold—will result in violations of both federal or state law or of one jurisdiction or the other depending on the discrepancies in the laws.

### Statements to Employees

Every employer shall give to each employee with the payment of wages a statement clearly showing the date of the pay period, hours worked, total earnings and itemized deductions.

### Recordkeeping

Employers shall keep, for three years, accurate records of hours worked and wages paid to all employees.

The Department of Labor enforces state wage and hour laws. Employers with questions about the law may call 207-623-7900 or may visit the department's webpage.

### Minimum Wage Guidance

[www.maine.gov/labor/labor\\_laws/minimum\\_wage\\_faq.html](http://www.maine.gov/labor/labor_laws/minimum_wage_faq.html)  
[legislature.maine.gov/statutes/26/title26sec664.html](http://legislature.maine.gov/statutes/26/title26sec664.html)

### Overtime Guidance

[www.maine.gov/labor/labor\\_laws/overtime.html](http://www.maine.gov/labor/labor_laws/overtime.html)  
[legislature.maine.gov/statutes/26/title26sec664.html](http://legislature.maine.gov/statutes/26/title26sec664.html)

### For more information, contact:

Maine Department of Labor  
Bureau of Labor Standards  
45 State House Station  
Augusta, Maine 04333-0045

**Telephone: 207-623-7900**

TTY users call Maine Relay 711.

Web site: [www.maine.gov/labor/bls](http://www.maine.gov/labor/bls)

Email: [bls.mdol@maine.gov](mailto:bls.mdol@maine.gov)

**\*Note:** Maine employers may also be covered under the federal Fair Labor Standards Act. For more information, contact the U.S. Department of Labor Wage and Hour Office at 603-666-7716.