

e-Alert

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Maine Passes Ban-the-Box Law

Background

On October 18, 2021, Maine will become the 14th state to implement a Ban-the-Box law.

Summary

The Ban-the-Box law prohibits employers from asking if a candidate has been convicted of a crime on an initial job application form or stating on a job application form or advertisement that a person with a criminal history may not apply or will not be considered for a position.

There are three exceptions for inquiring about an applicant's criminal history — when a federal or state law, regulation, or rule:

1. Mandates that a criminal conviction disqualifies an applicant from a position;
2. Imposes an obligation on an employer not to hire an applicant who has been convicted of a particular type of offense; and
3. Requires that an employer conduct a criminal history record check.

Employers that violate Maine's new Ban-the-Box law may be subject to a penalty of \$100 – \$500 for each violation.

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As with other states that have adopted this law, criminal history is not completely dismissed from the hiring decision. During the interview process, or once an employer has chosen to move forward with a candidate, deeming them qualified for the position, the employer may inquire into an individual's criminal history records.

Employer Next Steps

- Employers should review their onboarding documents such as Applications and Interview Questionnaires, to exclude any verbiage asking whether an applicant has any arrests or criminal charges.
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

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