



Risk & Insurance | Employee Benefits | Retirement & Private Wealth

Maine Paid Family and Medical Leave

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Agenda

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- 2** Notice Requirements & Claim Filing

- 3** Job Protection & Benefit Continuation

- 4** Undue Hardship & Private Plans

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Maine PFML Basics



Who is Covered

All employers with at least one employee in Maine who meet the financial requirements will be eligible with limited exceptions:

Federal government employees

Tribal government employees (unless opted in)

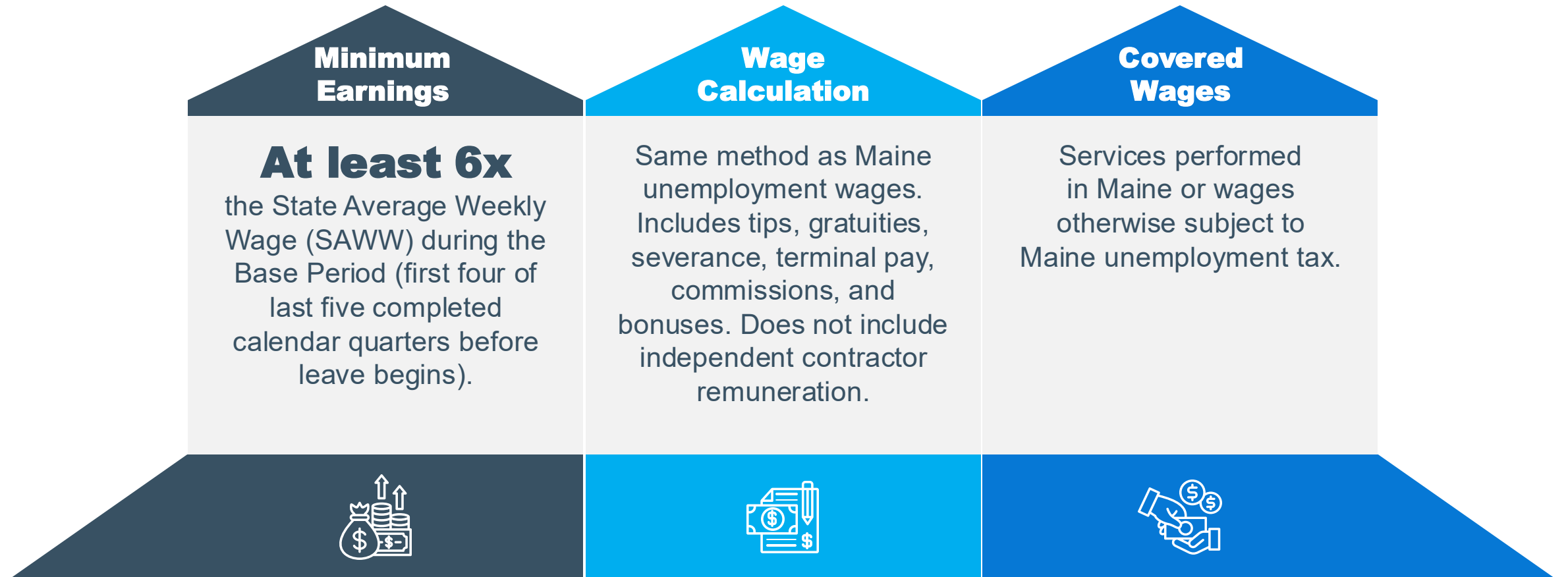
Incarcerated individuals

Work-study participants

Self-employed (may opt in)

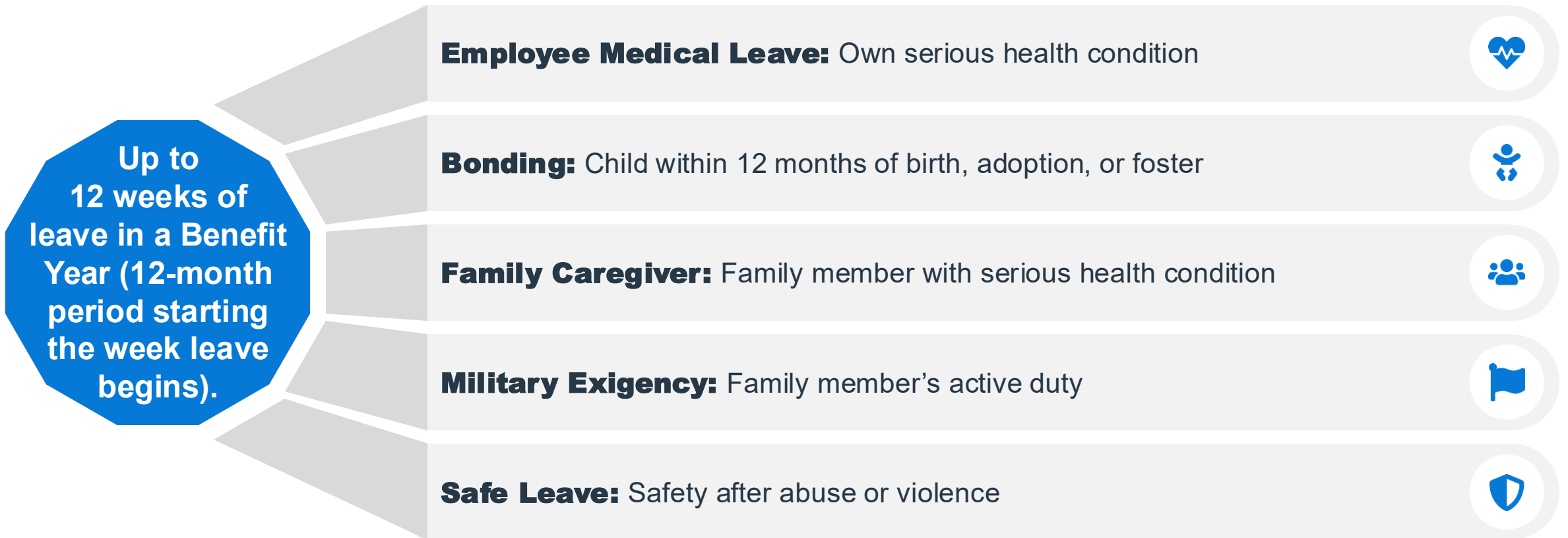
***There is no tenure required for eligibility**

Earnings Requirements



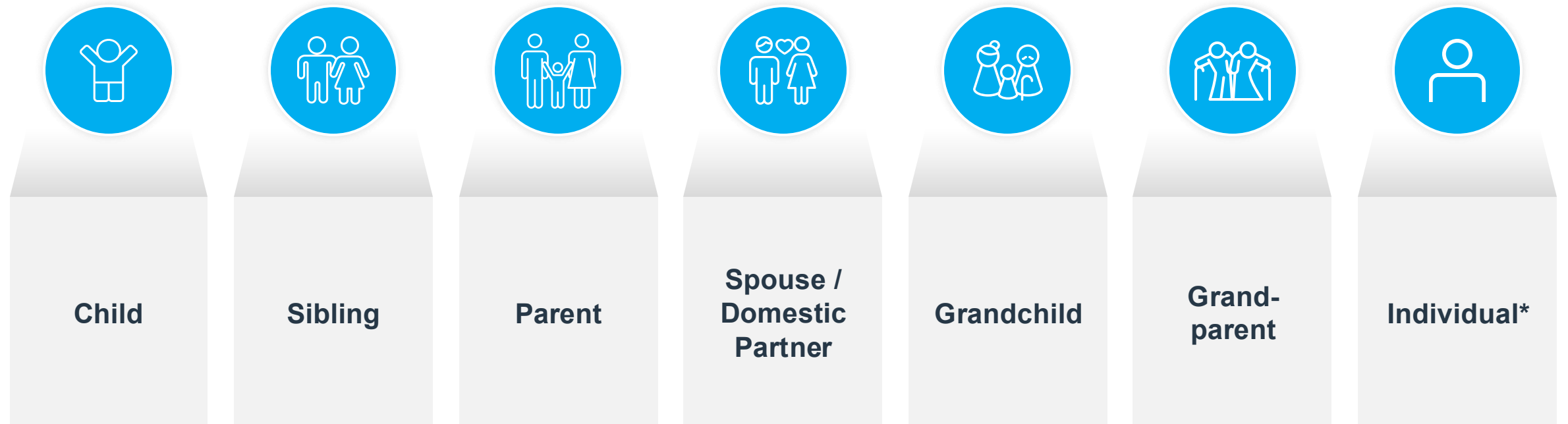
**The State determines whether the employee meets earnings requirements at the time of claim submission.*

Reasons & Amount of Leave



**Time taken in the preceding 12 months under federal FMLA and/or Maine FML may reduce time allotted under Maine PFML*

Covered Family Members



***Individual:**

A person with a significant personal bond that is or is like a family relationship, regardless of biological or legal ties.

**Child and parent includes in-law, step, legal, biological, adoptive, foster, or in loco parentis.*

**Sibling, grandchild, and grandparent includes in-law, step, biological, adoptive, and foster.*

Notice Requirements & Claim Filing



Employer Notice Requirements

Written notice about PFML program within 30 days of hiring to all employees, including:

The benefits available under the program

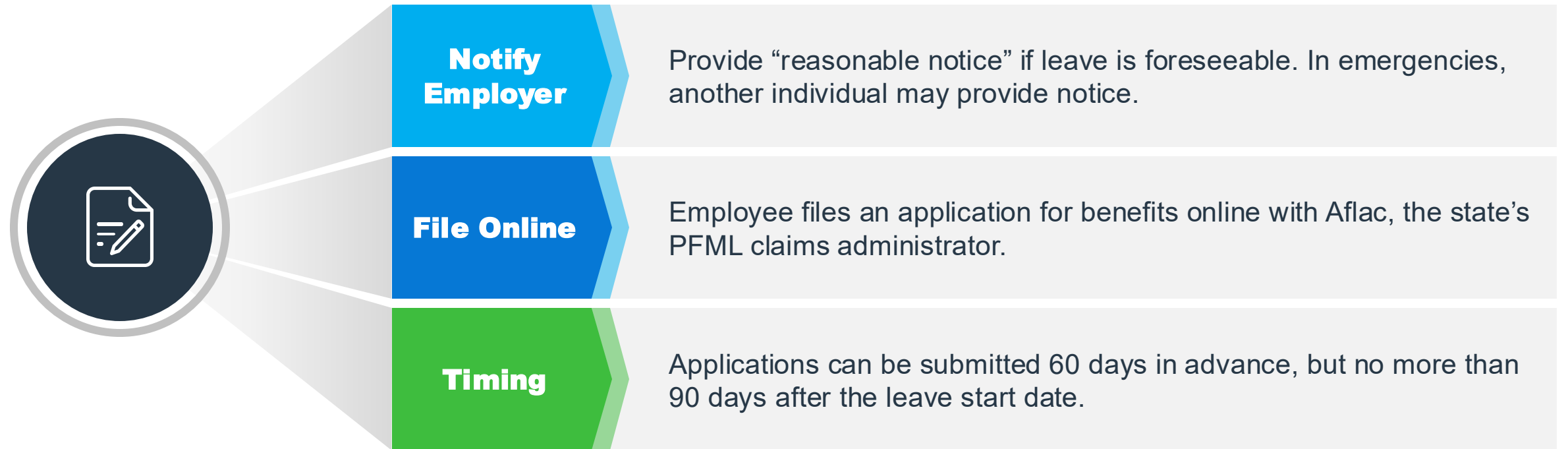
The employee's right to job protection and continuation of health insurance

The process for filing a claim

Employers are required to display a workplace poster about PFML

Employers must also post a workplace notice in a conspicuous place on each of their premises.

Filing a Claim – Employee Responsibilities



Requested information: type of leave, expected start date/duration, continuous vs. intermittent, schedule type.

Employers may NOT request medical records or personal details.

State Notice to Employer



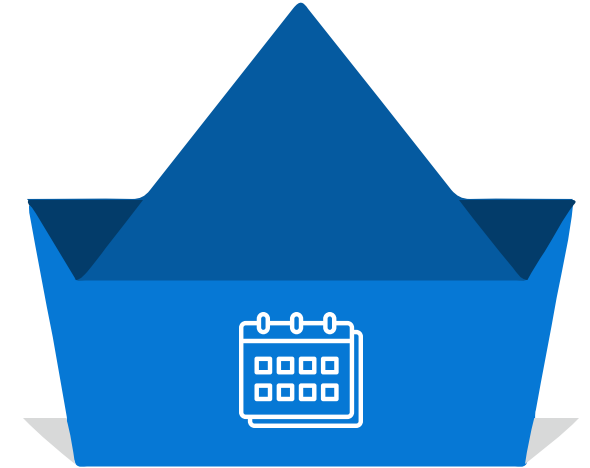
Aflac Contacts Employer

Within 5 days via a verification form to notify of claim and request info on: undue hardship, prior FMLA/FML usage, and other adjudication data.



Employer Responds

Can correct/clarify information, provide new details, or indicate reasons the claim should be excluded.



10 Business Day Deadline

Form must be returned within 10 business days. Otherwise, the Administrator proceeds with available information.

Job Protection & Benefit Continuation



Health Insurance, Job Protection & PTO

During leave, employers must:



- Continue employee's health insurance coverage
- Contribute to premiums at the same level as if working
- Employee remains responsible for their premium portion
- Maintain coverage under same conditions as if not on leave
- Right to restoration to same/equivalent position (if employed 120+ days prior)

PTO “Top Up” Rules:



- Employers cannot force employees to use PTO during PFML or exhaust PTO before taking PFML.
- Employers must allow employees to use accrued time to “top up” consistent with PTO policy.
- Total of PFML + PTO should not exceed approximate regular earnings.

PFML Benefit Offsets

PFML Benefits ARE Reduced By:

- State unemployment insurance
- Worker's compensation (except prior partial incapacity)
- Government-provided STD/LTD programs (e.g., SSDI)
- Employer-provided LTD insurance

Clawback applies if overlap is discovered later.

PFML Benefits NOT Reduced By:

- Employer's short-term disability plan (PFML pays primary, STD secondary)
- "Top up" payments via PTO to reach 100% pay
- Worker's comp benefits for partial incapacity from a prior injury

Undue Hardship & Private Plans



Undue Hardship

A significant impact on business operations and/or significant expenses that cannot be overcome with the amount of notice given by the employee.

Evaluated based on:

- financial resources
- workforce size, and
- industry type.

Employer has 10 business days to:

- Provide written explanation describing specific impact on the business
- Include any proposed alternative leave schedule
- Provide supporting documentation
- Employers may waive this right to expedite claims and reduce paperwork



**Employees may still be eligible under federal FMLA and/or Maine FML, which have NO undue hardship provision.*

Private Plan Basics

- Available through insurance carriers (often same as STD) or self-insured
- Must provide equivalent benefits to the state plan
- Employers must submit private plan applications to the Maine PFML Benefits Authority
- Carriers must become “approved private plans” through a state vetting process
- If approved, valid for 3 years



Effective Date

First day of the quarter in which approved. If submitted <30 days before quarter end, starts first day of the following quarter.

Renewal

Must renew at least 30 days before expiration. State provides 60-day notice of upcoming expiration.

PFML Benefits & STD Integration



PFML & Short-Term Disability Integration

- PFML pays primary; STD pays secondary (offset by PFML)
- STD rates decrease on May 1, 2026
- STD fills gaps for higher earners whose PFML falls below their STD benefit %
- STD benefit duration is per incidence

Salary	PFML Benefit	PFML %	STD (60%/\$2K)	Total %
\$40,000	\$347	90%	\$0	90%
\$60,000	\$653	85%	\$0	85%
\$80,000	\$1,160	75.4%	\$0	74%
\$100,000	\$1,199	62.3%	\$0	60%
\$120,000	\$1,199	52%	\$185	60%
\$140,000	\$1,199	44.5%	\$417	60%

Maine PFML Scenarios

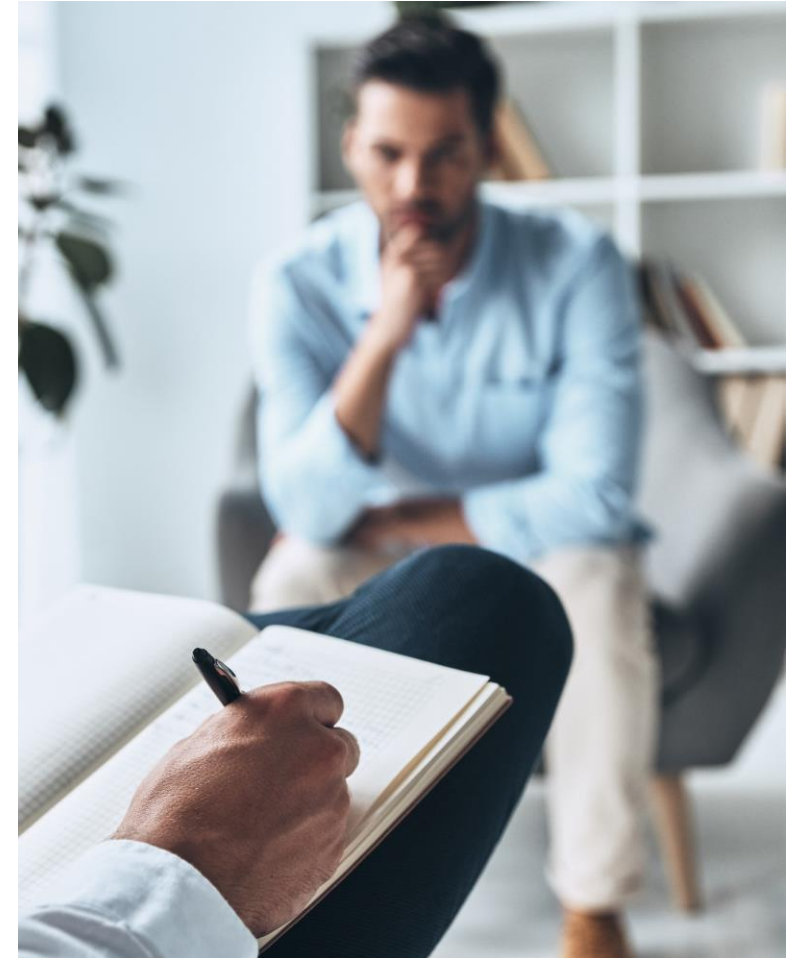


Scenario – Intermittent Leave

Thomas – Type 1 Diabetes with Complications

- Thomas files a claim with Aflac and is approved for intermittent PFML.
- Intermittent time must be taken in 1-day increments; however, his employer agrees to allow 1-hour increments for appointments.
- Over 6 months, he uses several hours/week totaling 5 weeks of PFML, leaving 7 weeks remaining.
- Must meet the 7-day waiting period (once per year) before receiving payment.
- Benefits are prorated: e.g., 4 hours off in a 40-hour week = 10% of weekly benefit.

Best Practice: Allow 1-hour increments to ensure FMLA-qualifying relationships run concurrently.

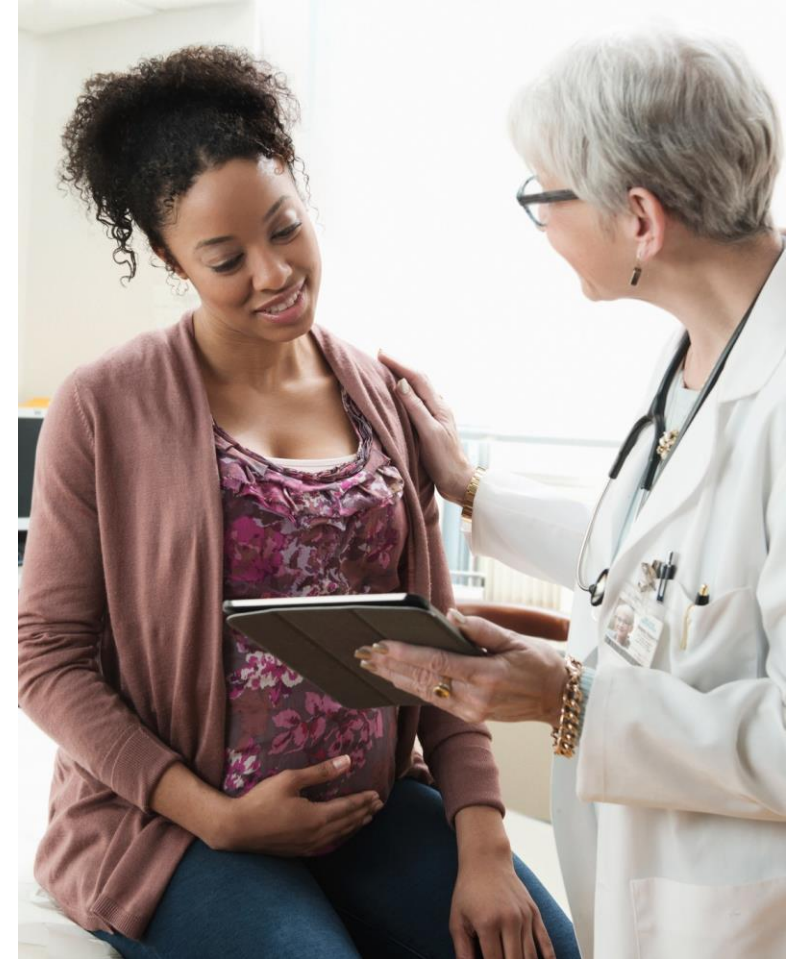


Scenario – Bonding (Baby Born Nov 2025)

Sarah – Full-Time Hospital Employee, Portland ME (3 years)

- Gives birth November 2, 2025. Approved for federal FMLA (10 weeks) and Maine FML (10 weeks).
- Maine PFML begins May 1, 2026 – but her prior 10 weeks of FMLA/FML reduce her PFML entitlement.
- **Result: Sarah has 2 weeks of Maine PFML to take beginning May 1, 2026, before the child turns one.**

Key Takeaway: Prior FMLA/FML usage in the preceding 12 months directly reduces available PFML time.



Scenario – Caring for a Domestic Partner

Zack – Caring for Domestic Partner Alex (Knee Surgery, June 2026)

- Zack previously took 2 weeks of FMLA/Maine FML in October 2025 to care for his mother.
- Prior Maine FML reduces his PFML entitlement to 10 weeks to care for Alex.
- Federal FMLA would NOT run concurrently – domestic partner is not an FMLA-qualifying relationship.
- Zack earns back PFML time in October 2026 (rolling 12-month lookback).



Key Takeaway: Maine’s law has a broader definition of “family member” than FMLA, including an “affinity relationship.” Even unregistered domestic partners qualify. This means some leaves may be PFML-eligible but NOT FMLA-eligible.

FAQs & Program Comparisons



Frequently Asked Questions

1. Does Maine PFML run concurrently with other leave programs?

Yes, it is intended to. However, eligibility requirements differ from FMLA, so they may not always align. Employees may be able to “stack” leaves depending on circumstances.

2. How do STD benefits impact Maine PFML?

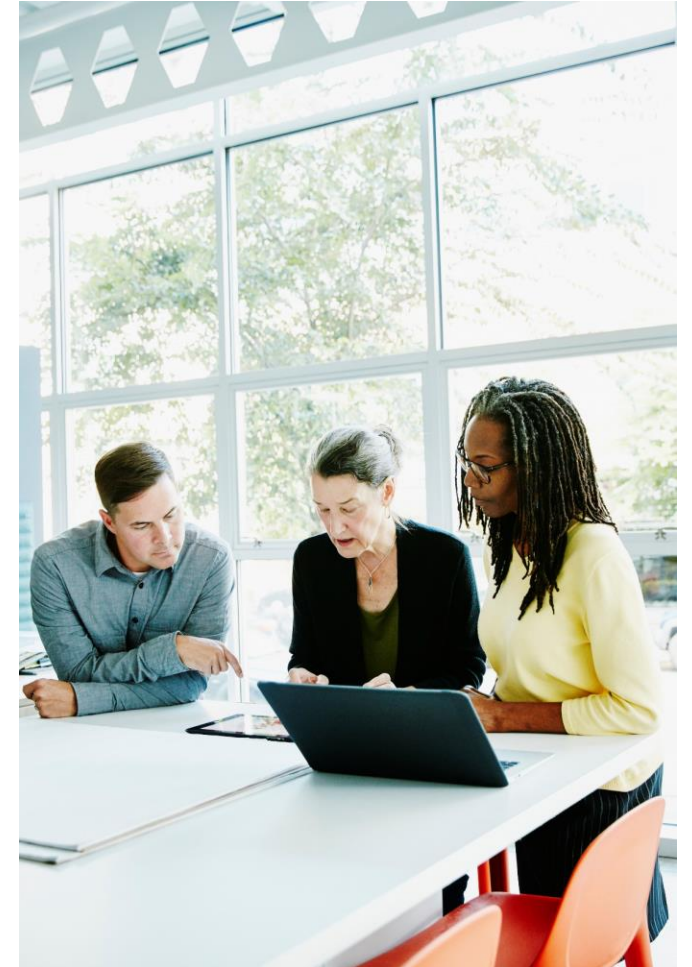
They can run concurrently with PFML as primary payor and company STD as secondary. Total benefits should not exceed 100% of base pay.

3. In what increments can Maine PFML be taken?

1-hour increments ONLY if employer and employee agree. Otherwise, 1-day increments. Best practice: mirror FMLA increments to allow concurrent running.

4. Is there a waiting period?

Yes, 7 calendar days for employee’s own serious health condition only. Applies once per benefit year.



Program Comparisons

	Federal FMLA	Maine FML	Maine PFML
Covered Employer	50+ EEs in 20+ weeks	15+ EEs at one location	All employers (limited exceptions)
EE Eligibility	12 mo service 1,250 hrs 50+ EEs in 75 mi	12 mo service 15+ EE worksite	6x SAWW (benefits) 120 days (job protection)
Leave Amount	12 weeks / 12 months	10 weeks / 2 years	12 weeks / 12 months*
Benefit Year	Fixed/Calendar/ Rolling/Measured	Any 2-year period	12 months from first day of leave week

**Time available may be reduced by prior federal FMLA and/or Maine FML usage*

Resources



- [Fully-insured Private Plan Employer Guide](#)
- [Self-insured Private Plan Employer Guide](#)
 - [Check List](#)
 - [Template Plan Document](#)
 - [Surety Bond](#)
- [Approved Insurance Carriers and Plans](#)
- [Employer FAQ](#)
- State of Maine webinar (February 2026)
 - [PDF](#)
 - [Recording](#)- YouTube

Thank you

For more information visit hubinternational.com

