

New Wage Disclosure and Salary History Obligations for Employers in Maine and Virginia

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Maine and Virginia have become the latest states to join the trend of enacting wage disclosure laws.

Maine

Effective July 29, 2026 in Maine, [the new law](#) will require employers with 10 or more employees to include a prospective range of pay in any job posting. This includes both electronic and printed job postings and those made either by an employer directly or through a third party.

The law defines “range of pay” as that which an employer anticipates relying on in setting wages for a position, including, but not limited to: (1) any applicable pay scale; (2) a previously determined range of wages for the position; (3) the actual range of wages for those currently holding equivalent positions; or (4) the budgeted amount for the position. While “range of pay” does not include compensation based solely on commission, any job posting for a position compensated solely by commission must indicate this.

Covered employers also must:

- upon an employee’s request, disclose the range of pay offered for the position the employee currently holds; and
- maintain a record of each position held and the pay history for each employee during their employment and for three years after termination from employment.

The law provides funding to the state’s Department of Labor for a new Labor and Safety Inspector position to enforce these new requirements.

Virginia

Effective July 1, 2026 in Virginia, [HB 636/SB 215](#) prohibit employers from:

- seeking applicants' wage or salary history or relying on such history when making hiring decisions or determining pay upon hire (except as provided below);
- retaliating against an applicant or employee for not providing their wage or salary history or for requesting a wage or salary range;
- failing or refusing to disclose in each public and internal posting for each job, promotion, transfer, or other employment opportunity, the wage, salary, or wage or salary range for the position; and
- failing to set a wage or salary range for a position in good faith.

"Wage or salary range" is defined as the minimum and maximum wage or salary for the position, set in good faith by reference to any applicable pay scale, any previously determined wage or salary range for the position, the actual range of wages or salaries for persons currently holding equivalent positions, or the budgeted amount available for the position, as applicable.

Applicants may still voluntarily disclose wage or salary history, including for the purpose of negotiation after an initial offer of employment with an offer of compensation has been made. If an applicant voluntarily discloses their wage or salary history without the employer's prompting, the employer may rely on and/or seek to confirm their wage or salary history to support higher compensation.

The law creates a private right of action, though employers will be afforded an opportunity to correct any alleged violations of the law. The Attorney General also may bring a civil action to enforce the law. Available remedies include civil penalties of up to \$1,000 for the first violation and up to \$5,000 for any subsequent violation, actual damages, and any other legal and equitable relief as the court deems appropriate.

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Employers in Maine and Virginia should take steps now to ensure all job postings include wage and salary information in accordance with these new requirements. We will continue to monitor and report developments in this area.

[Related Professionals](#)

- **Evandro C. Gigante**
Partner

- **Laura M. Fant**
Special Employment Law Counsel
- **Arielle E. Kobetz**
Associate