

## Workplace Electronic Monitoring Becomes a “Maine” Issue for Employers

### Related Professionals

[George L. Stevens](#)

[Sophia G. Laws](#)

### Related Services

[Employment Counseling](#)

[Labor and Employment](#)

**CLIENT ALERT** | 2.17.2026

On January 11, 2026, Maine enacted “An Act to Regulate Employer Surveillance to Protect Workers,” which imposes new notice and monitoring restrictions on employers’ electronic surveillance of employees. The law applies to both private and public employers operating in Maine, including the state and its political subdivisions. Maine is not the first state to pass such legislation; Connecticut, Delaware and New York have also enacted statutes limiting employer surveillance in the workplace.

### Who and What is Covered?

The new law defines covered employees broadly to include any individual who performs services or labor for wages or other remuneration. “Employer surveillance” means the monitoring of an employee by an employer through the use of an electronic device or system, such as computers, telephones and any “wire or radio or an electromagnetic, photoelectronic or photo-optical system.” This broad definition likely covers activities such as: email and internet activity monitoring; keystroke logging and screen-capture tools; call recording and monitoring; electronic time and activity tracking systems; and monitoring through software on laptops, desktops, tablets or smartphones.

The law expressly excludes from the definition of “employer surveillance” the use of surveillance cameras for security or safety purposes and the use of GPS tracking or other safety devices on employer-owned vehicles operated by employees.

### Requirements for Employers Under L.D. 61

**Applicant and Employee Notice:** An employer may not use employer surveillance unless it notifies the employee before beginning the surveillance. Employers using surveillance must inform a prospective employee during the employment interview process that the employer engages in employer surveillance. Employers also must provide all current employees with written notice at least once per calendar year

that the employer engages in employer surveillance.

**Restrictions on Audiovisual Monitoring:** An employer may not use audiovisual monitoring (e.g., cameras, video, audio) in an employee's residence, personal vehicle or on the employee's property as a form of surveillance unless the monitoring is required by the employer for the performance of the employee's job duties.

**Employee Rights Regarding Personal Devices:** An employee may decline a request by an employer to install data collection or transmission applications on the employee's personal electronic devices for the purposes of employer surveillance. This will have implications for employers that permit employee to use their personal electronic devices for work-related purposes.

### Personal Care Services Exception

The law does not apply to employer surveillance installed by an employer, patient, client or unpaid caregiver in a setting where personal care services are expected to be provided by an employee. "Personal care services" are defined as services provided by a licensed personal care agency, including services related to activities of daily living, household tasks and medication reminders.

### Enforcement and Penalties

Employers that violate the law are subject to a civil fine of \$100 to \$500 per violation. The Maine Department of Labor may adopt routine technical rules to implement the law.