

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-236)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 247, L.D. 292, Bill,
"AN ACT Relating to Penalty Provisions under the Maine Labor
Laws."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 26 MRSA §626-A, first ¶, as enacted by PL 1975,
c. 113, §5, is repealed and the following enacted in its place:

For a first violation of sections 621 to 623 or section 626,
a person shall be subject to a civil penalty of \$100. If a
person commits the same offense again, the penalty shall be \$200.
Any penalty is payable to the State and recoverable in a civil
action.

Sec. 2. 26 MRSA §629, last ¶, is repealed and the following
enacted in its place:

The first time a person, firm or corporation violates any
of the provisions of this section, the party shall be subject to
a civil penalty of \$100. If that party commits this offense
again, the penalty shall be \$200. Any penalty is payable to the
State and recoverable in a civil action.

Sec. 3. 26 MRSA §671, 2nd ¶, as amended by PL 1971, c. 620,
§13, is repealed and the following enacted in its place:

The first time an employer discharges or in any other manner
discriminates against any employee because that employee makes
a complaint to the director or to the county attorney concerning

a violation of this subchapter, he shall be subject to a civil penalty of \$100. If the employer commits this offense again the penalty shall be \$200. Any penalty is payable to the State and recoverable in a civil action.

Sec. 4. 26 MRSA §781 is repealed and the following enacted in its place:

§781. Penalties; employers

The first time any person, firm or corporation, agent or manager of any firm or corporation who, either for himself or for some firm or corporation, or by himself, or through his agents, servants or foremen, employes, permits or suffers any child to be employed, or to work in violation of any of the provisions of sections 771 to 780, or otherwise fails to comply with any of the provisions of these sections, that party shall be subject to a civil penalty of \$100. If that party commits the same offense a 2nd time, the penalty shall be \$200. The 3rd time that the same offense is committed, that party shall be guilty of a Class D crime.'

Statement of Fact

The purpose of this amendment is to change the penalties for the following offenses:

<u>Offense</u>	<u>Current Penalty</u>	<u>Amended Penalty</u>
26 MRSA §§621 / <u>to 623 and §626</u> : Payment of wages (time of payment, keeping of records, cessation of employment)	\$100-\$500 for each offense	\$100 for 1st offense; \$200 for 2nd offense
26 MRSA §629: Unfair agreements as to an employee's wages	\$50 for each offense	\$100 for 1st offense; \$200 for 2nd offense

<u>26 MRSA §671, 2nd ¶:</u> Employer retaliation for a minimum wage complaint	\$50 to \$200 for each offense	\$100 for 1st offense; \$200 for 2nd offense
<u>26 MRSA §781:</u> Employment of child labor	\$25 to \$200	\$100 for 1st offense; \$200 for 2nd offense; Class D crime for 3rd offense

Reported by the Majority of the Committee on Labor
Reproduced and distributed under the direction of the
Clerk of the House.
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