

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1587

H.P. 1045

House of Representatives, April 10, 2025

An Act to Establish Greater Alignment of Penalties for Certain Labor Law Violations

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BECK of South Portland.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: ABDI of Lewiston, DHALAC of South Portland, FAIRCLOTH of Bangor,
Speaker FECTION of Biddeford, MACIAS of Topsham, MALON of Biddeford, ROEDER of
Bangor, SATO of Gorham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §54** is enacted to read:

3 **§54. Criminal penalties**

4 **1. Violation; criminal penalties.** In addition to any penalties provided in section 53 or
5 in chapter 7 or 15, a person who intentionally or knowingly violates any provision of
6 chapter 7 or 15 commits a Class E crime. Notwithstanding Title 17-A, section 1704,
7 subsection 5, a person convicted of a Class E crime pursuant to this subsection may be
8 subject to a fine of not more than \$10,000. Notwithstanding Title 17-A, section 1604,
9 subsection 1, paragraph E, a person convicted of a Class E crime as a first-time offense
10 under this subsection may not be subject to a term of imprisonment.

11 **2. Enforcement.** The director may conduct investigations for violations described in
12 this section and make written referrals to the Attorney General for prosecution if
13 appropriate. A referral must include the outcome of the director's investigation and the
14 reasons the director believes criminal prosecution is warranted. The Attorney General shall
15 respond to the director within 30 days of receiving the written referral, indicating whether
16 criminal prosecution will proceed. If the Attorney General declines to prosecute the person,
17 the Attorney General shall provide to the director the reasons for declining to prosecute.

18 **3. Reporting.** Information related to the director's referrals to the Attorney General
19 under subsection 2 must be included in the Department of Labor's annual report required
20 by section 673. This information must include any fines sought or collected by the
21 department, the number of referrals made by the director and the number of referrals
22 declined by the Attorney General, including the reasons for the denials.

23 **SUMMARY**

24 This bill codifies into the Maine Revised Statutes provisions of the federal Fair Labor
25 Standards Act of 1938 and creates a criminal penalty for any person who intentionally or
26 knowingly violates the employment practices laws or the laws governing preference to
27 Maine works and contractors. A person convicted of a willful violation is subject to a fine
28 of not more than \$10,000 or to imprisonment of not more than 6 months, or both, except
29 that a person may not be imprisoned unless that person has been previously found guilty of
30 willfully violating these laws. The Director of Labor Standards within the Department of
31 Labor may refer these violations to the Attorney General for prosecution. The Attorney
32 General must respond to the director within 30 days of receiving the referral, indicating
33 whether the Attorney General will prosecute the case. If the Attorney General declines to
34 prosecute, the Attorney General must provide to the director the reasons for the denial.

35 This bill also requires that any information related to these willful violations must be
36 included in the department's annual report, including any fines sought or collected by the
37 department, the number of referrals made by the director and the number of referrals
38 declined by the Attorney General, including the reasons for the denials.