

MAINE STATE LEGISLATURE

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1

L.D. 1902

2

(Filing No. S- 295)

3

STATE OF MAINE

4

SENATE

5

111TH LEGISLATURE

6

SECOND REGULAR SESSION

7

SENATE AMENDMENT " A" to COMMITTEE AMENDMENT "A"

8

to H.P. 1450, L.D. 1902, Bill, "AN ACT to Amend the

9

Cessation of Employment Law."

10

Amend the amendment by inserting after the 3rd

11

paragraph after the title the following:

12

'Further amend the bill in section 1, in the 5th

13

line (page 1, line 26 in L.D.) by striking out the

14

words "punished by a fine" and inserting in their

15

place 'punished by a fine subject to a forfeiture'

16

Further amend the amendment in the 5th paragraph

17

after the title, 3rd to 6th lines (page 1, lines 32

18

to 35 in amendment) by striking out the underlined

19

words and punctuation "When the action is brought by

20

the Department of Labor, both the civil and criminal

21

causes of action may be joined in the same proceed-

22

ing."

23

Further amend the amendment in the 5th paragraph

24

after the title by inserting at the end (page 2 line

25

1 in amendment) the following: 'When the Department

26

of Labor brings an action for unpaid wages, this ac-

27

tion and an action to collect a civil forfeiture may

28

both be joined in the same proceeding.'

29

STATEMENT OF FACT

30

The committee amendment added a sentence allowing

31

both the civil cause of action for unpaid wages and

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the criminal suit for fines to be joined in the same

33

proceeding when the Department of Labor brought the

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action for unpaid wages. This amendment removes that

35

sentence because it is unnecessary. Under the Fe-

36

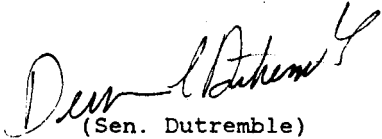
vised Statutes, Title 17-A, section 4-A, all statuto-

SENATE AMENDMENT " A" to COMMITTEE AMENDMENT "A" to H.P. 1450,
L.D. 1902

1 ry prohibitions that provide for fines but not for
2 imprisonment penalties are automatically civil viola-
3 tions rather than crimes. This is recognized in the
4 amendment by removing the reference to punishment by
5 a fine and adding the words "subject to a forfei-
6 ture." Another sentence is added to make clear that
7 the department can bring both the civil cause of ac-
8 tion for the forfeiture and the civil cause of action
9 for unpaid wages in the same proceeding. This change
10 recognizes that such an action is not a crime under
11 current law and avoids possible procedural and con-
12 stitutional problems that would result from trying to
13 join criminal and civil causes, something that has no
14 parallel in other statutes.

15

6055030184



16 (Sen. Dutremble)

17 NAME:

18 COUNTY: York

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March 2, 1984

(S-295)