

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

R.S.

L.D. 960

DATE: 4-26-99

(Filing No. H-261)

LABOR

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE HOUSE OF REPRESENTATIVES 119TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 693, L.D. 960, Bill, "An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations"

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

Sec. 1. 26 MRSA §52 is enacted to read:

§52. Additional penalties

In addition to any penalties provided in chapter 7, subchapters I to IV, the director may assess a forfeiture against any employer, officer, agent or other person who violates any provision of chapter 7, subchapters I to IV for each violation of those subchapters. The forfeiture may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. The Attorney General, upon complaint of the director, shall institute a civil action to recover the forfeiture. Any amount recovered must be deposited with the Treasurer of State. The director shall adopt rules to govern the administration of the civil money forfeiture provisions. The rules must include a right of appeal by the employer and a range of monetary assessments with consideration given to the size of the employer's business, the good faith of the employer, the gravity of the violation and the history of previous violations. The rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

COMMITTEE AMENDMENT

2

4

6

12

14

18

22

24

26

28

30

32

50

R.S.

COMMITTEE AMENDMENT "A" to H.P. 693, L.D. 960

2 the forfeiture that the Director of the Bureau of Labor Standards
may assess to \$1,000 or the amount provided in law or rule for
the specific violation, whichever is less. It also moves and
4 provides a monetary limit for the authority to assess a
forfeiture for failure to respond to surveys. Finally, it
6 provides that the rules to implement the assessment of
forfeitures are major substantive rules and adds a fiscal note to
8 the bill.

COMMITTEE AMENDMENT