

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)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

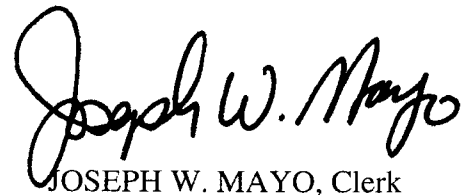
No. 960

H.P. 693

House of Representatives, February 4, 1999

**An Act to Allow the Bureau of Labor Standards to Assess
Administrative Civil Money Penalties for Labor Law Violations.**

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator: MILLS of Somerset.

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

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

6 **§52. Additional penalties**

8 In addition to any penalties provided in chapter 7,
10 subchapters I to IV, the director may assess against any
12 employer, officer, agent or other person who violates any
14 provision of chapter 7, subchapters I to IV, a civil penalty of
16 up to \$1,000 for each violation of those subchapters. The
18 Attorney General, upon complaint of the director, shall institute
20 a civil action to recover the penalty. Any amount recovered must
22 be deposited with the Treasurer of State. The director shall
24 adopt rules to govern the administration of the civil money
26 penalty provisions, the rules to include a right of appeal by the
28 employer and a range of monetary assessments with consideration
30 given to the size of the employer's business, the good faith of
32 the employer, the gravity of the violation and the history of
34 previous violations. The rules adopted pursuant to this section
36 are routine technical rules pursuant to Title 5, chapter 375,
38 subchapter II-A. In addition to any penalties provided in
section 46, the director may assess against any employer,
officer, agent or other person who violates any provision of
section 43 a civil penalty of up to \$500 for each violation of
that section.

30 **SUMMARY**

32 This bill allows the Director of Labor Standards to assess
34 civil money penalties of up to \$1,000 for violation of employment
36 and child labor laws. The director shall establish rules that
38 include an appeal procedure and a structure for determining the
level of penalty. It also allows the director to assess civil
money penalties of up to \$500 for failure to respond to surveys
or questions proposed under the director's authority in section
43.