

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1050

S.P. 367

In Senate, March 1, 2005

### **An Act To Promote Enforcement of Labor Laws Affecting Employers**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President EDMONDS of Cumberland.  
Cosponsored by Representative SMITH of Van Buren and  
Senator: BRYANT of Oxford, Representatives: PATRICK of Rumford, PINEAU of Jay.

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

4 **Sec. 1. 26 MRSA §4** is repealed and the following enacted in  
its place:

6 **§4. Investigation, enforcement and jurisdiction**

8 **1. Investigation and enforcement.** Notwithstanding any law  
to the contrary, investigation of a possible violation of this  
10 Title by an employer is the responsibility of the Attorney  
General. If the Attorney General, in conducting an investigation  
12 pursuant to this subsection, determines that a violation  
occurred, the investigation of the employer must be extended to  
14 include all employees, independent contractors and subcontractors  
of the employer. Prosecution of a violation of this Title is the  
16 exclusive jurisdiction of the Attorney General.

18 **2. Jurisdiction.** The District Court and the Superior Court  
have original jurisdiction of actions brought for the recovery of  
20 fines and penalties imposed by this Title and of prosecutions for  
violations of this Title.  
22

24 **SUMMARY**

26 Current law is unclear as to who has jurisdiction of  
enforcement of violations of the Maine Revised Statutes, Title 26  
28 by employers, such as wage and hour violations, unemployment  
fraud by failing to make required payments and the  
30 misclassification of employees as independent contractors or  
subcontractors to avoid paying taxes or required benefits, such  
32 as overtime.

34 This bill requires the Attorney General to investigate  
violations of the labor laws and prosecute violators. If the  
36 Attorney General determines that an employer has violated a labor  
law, the Attorney General must investigate all the employees and  
38 subcontractors of that employer.