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Date:

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LABOR AND HOUSING

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

131ST LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 179, L.D. 372, “An Act to Increase Enforcement and Accountability for Wage and Hour Violations”

Amend the bill by striking out the title and substituting the following:

'An Act to Increase Enforcement and Accountability for Wage Violations'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 26 MRSA §53, as enacted by PL 1999, c. 181, §1, is amended to read:

§53. Additional penalties

In addition to any penalties provided in chapter 7, subchapters I 1 to IV 4, the director may assess a ~~forfeiture~~ fine against ~~any an~~ an employer, officer, agent or other person ~~who~~ that violates any provision of chapter 7, subchapters I 1 to IV 4 for each violation of those subchapters. The ~~forfeiture~~ fine may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. In addition, the director may order any employer, officer, agent or other person that the director finds is in violation under chapter 7, subchapters 1 to 4 or section 1312 to pay unpaid wages determined to be due, as well as an additional amount equal to twice the amount of unpaid wages as liquidated damages and a reasonable rate of interest. The Attorney General, upon complaint of the director, shall institute a civil action to recover the ~~forfeiture~~ fine and any unpaid wages, liquidated damages and interest. Whether through private right of action, through order of the director or through civil action of the Attorney General, an employee may not receive payment more than once for the same unpaid wages and liquidated damages owed. Any ~~amount~~ civil fine or penalty recovered must be deposited with the Treasurer of State. The Department of Labor is authorized to receive the payment of unpaid wages, liquidated damages and interest on behalf of an employee. The director must pay these sums to the employee in their entirety. The director shall adopt rules to govern the administration of the civil money ~~forfeiture~~ fine or penalty 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

COMMITTEE AMENDMENT

1 violation and the history of previous violations. The rules adopted pursuant to this section
2 are major substantive rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
4 number to read consecutively.

5 **SUMMARY**

6 This amendment, which is the majority report of the committee, replaces the bill, which
7 is a concept draft, and changes the title. The amendment allows the Director of the Bureau
8 of Labor Standards within the Department of Labor to order an employer, officer, agent or
9 other person to pay unpaid wages determined to be due as well as an additional amount
10 equal to twice the amount of unpaid wages as liquidated damages and a reasonable rate of
11 interest. It requires the Attorney General to institute a civil action to recover any unpaid
12 wages, liquidated damages and interest, along with the fine as in current law. It clarifies
13 that an employee may not receive payment more than once for the same unpaid wages and
14 liquidated damages owed to the employee. It also provides that the Department of Labor is
15 authorized to receive the unpaid wages, liquidated damages and interest on behalf of an
16 employee, which the director must pay to the employee.