

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

Date: (Filing No. H- )

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

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

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

Amend the amendment in section 1 in §53 in the first indented paragraph in the 2nd line (page 1, line 18 in amendment) by striking out the following: ", officer, agent or other person" and inserting the following: ', ~~officer, agent or other person~~'

Amend the amendment in section 1 in §53 in the first indented paragraph in the 5th to 9th lines (page 1, lines 21 to 25 in amendment) by striking out the following: "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." and inserting the following: 'The director may require any employer that the director finds is in violation of section 626-A, 670 or 1312 to pay unpaid wages determined to be due to an employee. The director may order an additional amount equal to the amount of unpaid wages as liquidated damages and a reasonable rate of interest only if the director finds that the violation was willful. To find willfulness, the director must prove by substantial evidence that the employer knew it was in violation of the law or acted with reckless disregard of the law. An employee may not recover the same wages and liquidated damages owed more than once through order of the director or through civil action of the Attorney General.'

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

**SUMMARY**

This amendment amends Committee Amendment "A" by allowing the Director of Labor Standards within the Department of Labor to require an employer to pay unpaid wages determined to be due to an employee, as well as an additional amount equal to the amount of unpaid wages as liquidated damages and a reasonable rate of interest only if the

1 director finds that the violation was willful. The amendment clarifies that an employee may  
2 not recover the same wages and liquidated damages owed more than once.

3 **SPONSORED BY:** \_\_\_\_\_

4 **(Representative MORRIS, J.)**

5 **TOWN: Turner**