Testimony of Dillon Murray,
Legislative Liaison, Maine Department of Labor
Neither for Nor Against
LD 1587, An Act to Establish Greater Alignment of Penalties for Certain Labor Law Violations
To the Joint Standing Committee on Labor
Hearing, April 16, 2025

Good morning Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor. My name is Dillon Murray, Legislative Liaison for the Maine Department of Labor (Department). I am here today to speak on behalf of the Department Neither for Nor Against LD 1587, "An Act to Establish Greater Alignment of Penalties for Certain Labor Law Violations."

The Department of Labor is deeply committed to upholding strong labor standards that protect Maine workers. We also recognize the importance of working collaboratively with employers to support compliance, provide education, and foster mutual accountability. We believe that when enforcement is paired with proactive engagement, it leads to better outcomes for both workers and businesses.

LD 1587 would allow the Department to refer for criminal prosecution any employer found to have "intentionally or knowingly" violated provisions under Title 26, Chapters 7 or 15. These violations would be designated as Class E crimes, carrying a potential fine of up to $10,000, though imprisonment would not apply for a first offense. The bill also outlines a referral and response process between the Department and the Office of the Attorney General, and it requires the Department to include referral data in its annual report.

While we appreciate the intent to ensure stronger accountability, we respectfully raise the following concerns:

Chapter 7 contains dozens of provisions, including recordkeeping, workplace postings, access to personnel files, and required breaks. As written, this bill applies to all of them—meaning criminal liability could arise from even administrative oversights. This broad application may have unintended consequences.

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Our labor inspectors operate under a civil standard, meaning we determine violations based on a preponderance of the evidence—in other words, we ask whether the facts show it's more likely than not that a violation happened.. We are not currently required to prove willfulness or criminal intent, nor are our inspectors trained as sworn law enforcement. Shifting to a criminal enforcement model would require a new investigative structure, significant training, and additional resources to ensure due process under the higher evidentiary threshold.

Our ability to resolve labor violations often hinges on employer cooperation and voluntary compliance through settlement agreements. Introducing the possibility of criminal prosecution may inadvertently reduce that cooperation, prolong investigations, and limit our ability to secure timely remedies for workers.

It's also worth noting that wage theft is already criminalized under Maine law. In serious cases, the Department has the ability to refer matters to District Attorneys under Title 17-A.

We urge the Committee to weigh these concerns carefully and consider whether the enforcement mechanisms in LD 1587 are proportionate to the types of violations it would encompass. As always, the Department remains committed to protecting Maine workers and supporting a fair and functional labor system. We welcome the opportunity to work with the Committee and other stakeholders to strengthen compliance while preserving the effectiveness of our enforcement tools.

We appreciate the opportunity to provide this information, and for the committee's consideration. I'd be happy to answer any questions you may have now or at a future work session.