

§1312. Penalties for violation

1. Violation by contractor or subcontractor. Except as provided in section 1308, subsection 1-A, any contractor or subcontractor who willfully and knowingly violates sections 1304 to 1313 and 1317 is subject to a forfeiture of not less than \$250.

[PL 2021, c. 465, §3 (AMD).]

2. Employees' remedies. Any laborer, worker or mechanic engaged in construction of public works let to contract or an assisted project who is paid less than the posted fair minimum rate of wages and benefits applicable may recover from such a contractor or subcontractor the difference between the same and the posted fair minimum rate of wages and benefits a penalty equal in amount to the difference and reasonable attorney's fees; however, the surety for the contractor or subcontractor is not liable for the penalty or attorney's fees.

[PL 2021, c. 705, §7 (AMD).]

3. Unfair agreement. A person may not request, demand or receive money or other thing of value from an employee whose rate is determined by sections 1304 to 1313 upon the statement, representation or understanding that failure to comply with such request or demand will prevent the employee from procuring or retaining employment. A person may not aid, directly or indirectly, assist or abet another to violate the prohibitions of this subsection. Any person violating the prohibitions of this subsection is subject to a forfeiture of not less than \$250.

[PL 1997, c. 757, §10 (AMD).]

4. Sanctions for violations by assisted project. If the Department of Labor notifies an entity that receives state assistance for an assisted project that the entity has violated a provision of this chapter, the provisions of this chapter regarding enforcement and penalties apply to that entity. Failure of an entity that receives state assistance for an assisted project to comply with this chapter constitutes a material breach of the agreement, grant, loan, commitment of funds or other instrument pursuant to which state assistance is provided. Upon finding a violation of this section, the relevant agency of the State may impose any available and appropriate penalties for that breach, including, but not limited to, fines, administrative penalties authorized under Title 35-A, section 1508-A, ending the assistance and recouping all or part of any assistance already provided for the assisted project or directing that, in order for the entity to receive continued assistance, the entity must meet the requirements of this section and pay remedial compensation to any employees who were not paid at least the prevailing rate for wages and benefits.

[PL 2021, c. 759, Pt. F, §1 (AMD).]

This section may not be construed to make unlawful any provision in a collective bargaining agreement between an employer and a labor organization that relates, in any manner, to the conditioning of employment on union membership or on the payment of regular and periodic dues, or of initiation fees, to a labor organization. [PL 1997, c. 757, §10 (AMD).]

SECTION HISTORY

PL 1965, c. 406, §2 (NEW). PL 1967, c. 403 (RPR). PL 1997, c. 757, §10 (AMD). PL 1999, c. 181, §3 (AMD). PL 2009, c. 452, §2 (AMD). PL 2011, c. 403, §2 (AMD). PL 2021, c. 465, §3 (AMD). PL 2021, c. 705, §§7, 8 (AMD). PL 2021, c. 759, Pt. F, §1 (AMD).

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