



DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
45 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0045

LAURA A. FORTMAN
COMMISSIONER

JANET T. MILLS
GOVERNOR

WAGE & HOUR DIVISION

DR. JASON MOYER-LEE
DIRECTOR

November 7, 2023

Lincoln Infrastructure, LLC
Attn: Hari Achuthan
31 North Street
East Millinocket, ME 04430

RE: Violations of Title 26 MRS. Inspection #482980

Dear Hari Achuthan,

When our inspector visited your place of business on August 31, 2023, and followed up with you via email at points thereafter, the following violations of Maine Labor Law were found:

26 MRS §622 Records requires that employers keep a true record showing the date and amount paid to each employee pursuant to section 621-A. Every employer shall keep a daily record of the time worked by each such employee unless the employee is paid a salary that is fixed without regard for the number of hours worked. Records required to be kept by this section must be accessible to any representative of the department at any reasonable hour.

In this case, on 08/31/2023 the inspector requested access to all daily time records and payroll records for 03/01/2023 through 08/31/2023, by 09/07/2023. The employer only provided access to the daily time records for 05/09/2023 to 05/15/2023 and payroll records for 05/09/2023 through 08/31/2023.

The employer failed to provide access to daily time records and payroll records for 03/01/2023 through 05/08/2023, for a total of 5 pay cycles. The payroll records that were provided for 05/09/2023 through 08/31/2023 show a minimum of 8 employees each pay cycle.

40 Time record violations and 5 Payroll record violations

The employer failed to provide access to daily time records for 05/16/2023 through 08/31/2023. In this case, due to the absence of actual daily time records, the total violations is determined by dividing the total hours worked by 24 hours. Results that include fractions of an hour are rounded up to the next whole number. **180 Time record violations**

26 MRS §626-A PENALTIES - Whoever violates any of the provisions of sections 621-A to 623 or section 626, 628, 628-A, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

225 violations of §622 x \$100.00 = \$22,500.00

The total penalty for the above violation(s) is \$22,500.00.

Make checks payable to the “Treasurer, State of Maine”.

The violations identified above will become a final order within fifteen (15) business days from the day it was received unless you request a penalty discussion or file an appeal within 15 business days.

Employer options (within 15 business days):

If you intend to correct all violations identified and wish to work with the Wage & Hour Division to possibly reduce the penalty amount, you may request a “Penalty Discussion”. This discussion will pertain only to the penalty(s) and not the violation(s). All proposed penalties will be stayed until after the penalty discussion.

Or

You may file a formal appeal of any violation or penalty within fifteen (15) days of receipt of this citation. Please be specific as to what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received, the Director will set a time and date for a “hearing”. The Director will serve as the hearing officer or may assign the appeal to the Administrative Hearings Division within the Department of Labor. The hearing will be at the headquarters of the Bureau or at a place mutually agreeable to the parties. All proposed penalties will be stayed until after the formal appeal is heard.

As the employer, you must respond in writing to the Director of the Bureau, at the address above, within fifteen (15) business days of receipt of this report stating what option you intend to choose. If no response is received within that time frame you accept all citations and any penalties assessed. The citation will become a final order and payment will be due at that time, made payable to “**Treasurer, State of Maine**” and mailed to the address at the top of this citation.

We strongly recommend that any correspondence be sent by certified mail. Failure to correct violations may result in additional penalties for each violation that is not corrected.

If you have questions regarding this citation, you may contact the Bureau of Labor Standards, Wage & Hour Division at (207) 623-7900.

Dates to remember:

Respond in writing, to the Director of the Bureau within fifteen (15) business days of receipt of this citation indicating what option you choose.

Respectfully,



Scott Cotnoir, Director
Wage and Hour Division
Inspection #482980