



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

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COMMISSIONER

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GOVERNOR

WAGE & HOUR DIVISION

DR. JASON MOYER-LEE
DIRECTOR

January 8, 2024

Sharon Sargent
D/B/A Sarge's Sports Pub & Grub
2454 Main Street
Rangeley, ME 04970

RE: Violations of 26 MRS Inspection #475055

Dear Sharon Sargent,

When the Wage and Hour Division inspected your place of business on February 22, 2023, the following violations of Maine Labor Law were found:

26 MRS §774 (2) Restricted Hours - Minors Under 16 years of Age A minor under 16 years of age may not be employed as follows:

- A. More than 40 hours in any given week when school is not in session;
- B. More than 18 hours in any week when school is in session;
- C. More than 8 hours in any day when school is not in session;
- D. More than 3 hours in any day when school is in session;
- E. More than 6 consecutive days; or
- F. Between the hours of 7 p.m. and 7 a.m. except during summer vacation, when that minor may not work between the hours of 9 p.m. and 7 a.m.

In this case, the employer allowed the following minors under 16-years-of-age to work in violation of the following subsections:

█, 15-years-of-age, was permitted to work in violation of subsection D on 01/20/2023.

█, 15-years-of-age, was permitted to work in violation of subsection F on 01/20/2023, 02/19/2023, 02/21/2023, and 02/24/2023.

█, 15-years-of-age, was permitted to work in violation of subsection F on 01/22/2023.

█, 15-years-of-age, was permitted to work in violation of subsection D on 01/20/2023, 01/27/2023, and 02/17/2023.

█, 15-years-of-age, was permitted to work in violation of subsection F 01/20/2023, 01/27/2023, 2/17/2023, 02/24/2023, and 04/22/2023.

14 Violations

26 MRS §775 Work Permit requires that an employer obtain an approved Work Permit before allowing a minor under the age of 16 to perform any work.

In this case, the employer allowed the following minors under 16-years-of-age to work without an approved work permit:

■, 15-years-of-age, worked without an approved work permit on 16 separate dates between 01/01/2023 and 04/22/2023.

■, 15-years-of-age, worked without an approved work permit on 13 separate dates between 01/08/2023 and 04/22/2023.

29 Violations

26 MRS §781 PENALTIES An employer who employs, permits or suffers any minor to be employed or to work in violation of this article or Title 20-A, section 5054 is subject to the following forfeiture or civil penalty, payable to the State and recoverable in a civil action:

- A. For the first violation or a violation not subject to an enhanced sanction under paragraph B or C, a forfeiture or penalty of not less than \$250 nor more than \$5,000;
- B. For a 2nd violation occurring within 3 years of a prior adjudication, a forfeiture or penalty of not less than \$500 nor more than \$5,000; or
- C. For a 3rd and subsequent violation occurring within 3 years of 2 or more prior adjudications, a penalty of not less than \$2,000 nor more than \$10,000.

14 violations of §774 x \$250.00 = \$3,500.00

29 violations of §775 x \$250.00 = \$7,250.00

26 MRS §53. Additional penalties In addition to any penalties provided in chapter 7, subchapters I to IV, the director may assess a forfeiture against any employer, officer, agent or other person who violates any provision of chapter 7, subchapters I to IV for each violation of those subchapters. The forfeiture may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. The Attorney General, upon complaint of the director, shall institute a civil action to recover the forfeiture. Any amount recovered must be deposited with the Treasurer of State. The director shall adopt rules to govern the administration of the civil money forfeiture 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 violation and the history of previous violations.

Willful Violations

Pursuant to Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations:

“A ‘willful’ violation is committed when the employer knew or, due to experience or expertise, should have known the operative facts that made its actions a violation of the law. A ‘willful’ violation includes an employer’s intentional or reckless disregard of its obligations under the law.”

In this case, the employer hired minors with work permits on 9 separate occasions between 2007 and 2022 and knew or should have known the operative facts that made its actions in 2023 a violation of the law. As a result, the violations are determined to be willful, resulting in a multiplier of 2.0.

The total penalty for the above violation(s) is \$10,750.00 x 2.0 multiplier = \$21,500.00.

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 # 475055