



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

MICHAEL ROLAND
 DIRECTOR

August 14, 2023

Sunshine Seafood LLC
 Attn: Marianne Eaton
 PO Box 136
 Stonington, ME 04681

RE: Violations of 26 MRS Inspection #472980
 Certified Mail: 7015 1520 0001 0962 9710

Dear Jennifer Larrabee,

When the Wage and Hour Division initiated an inspection of your place of business on December 09, 2022, the following violations of Maine Labor Law were found:

26 MRS §772 Hazardous Occupations declares certain occupations as hazardous and subject to a minimum age.

BLS Rules, Chapter 11, Rules Governing Hazardous Occupations for Minors Under the Age of Eighteen in Non-Agricultural Employment, section 5 requires compliance with federal regulations. 29 CFR 570.33 prohibits 14 and 15-year-old minors from working in occupations in, on, or in close proximity to docks or wharfs where power-driven equipment designed or used for transportation may be in motion.

In this case, the employer allowed a 15-year-old employee to work in a hazardous occupation on 12 separate days between 06/27/2022 and 07/12/2022. Specifically, the employer allowed the minor to work on a dock or wharf where power driven equipment designed or used for transportation may be in motion, which resulted in the minor being injured on 07/12/2022. **12 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.

12 violations of §772 x \$250.00 = \$3,000.00

The total penalty for the above violation(s) is \$3,000.00.

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. (see employer options below)

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 #472980