



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

May 25, 2023

Maloy's Yard Care  
Attn: Patrick Maloy  
15 Pohle Street  
Lisbon Falls, ME 04252

RE: Violations of Title 26 MRS. Inspection #472970

Dear Patrick Maloy,

When our Inspector contacted your place of business on 12/05/2022 the following violations of Maine Labor Law were found:

**26 MRS §622 Record** 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, the employer failed to keep a true and accurate daily record of the time worked for JM on the following dates:

01/08/2022 Total hours only. No start and end times listed;  
01/10/2022 Total hours only. No start and end times listed;  
02/04/2022 Conflicting times listed; and  
07/29/2022 Incomplete record (3 separate times listed). **4 violations**

**§626-A. Penalties** Whoever violates any of the provisions of section 600-A, 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.

**4 violation of §622 x \$100 = \$400**

**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 (3)(A) and (B) lists the hazardous occupations.

In this case, the employer allowed a minor to operate a hazardous piece of equipment, specifically a wood splitter, on 07/29/2022 resulting in the minor amputating his right index finger. **1 violation**

**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 a 15-year-old minor to work in violation of subsection C on 01/10/2022.

The employer allowed a 15-year-old minor to work in violation of subsection D on 02/04/2022.

The employer allowed a 15-year-old minor to work in violation of subsection F on 02/04/2022.

**3 violations**

**26 MRS §774 (3) Work During School Hours** restricts minors under 17 years of age from working during the hours that school is in session.

In this case, the employer allowed a 15-year-old minor to work during school hours on 01/10/2022 and 02/04/2022. **2 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 a 15-year-old minor to work without an approved work permit on 6 separate days between 01/08/2022 and 02/04/2022. **6 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.

**1 violation of §772 x \$250 = \$250**

**3 violations of §774(2) x \$250 = \$750**

**2 violations of §774(3) x \$250 = \$500**

**6 violations of §775 x \$250 = \$1,500**

**The total penalty for the above violation(s) is \$3,400.00.**

**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 # 472970