



JANET T. MILLS
GOVERNOR

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

WAGE & HOUR DIVISION

LAURA A. FORTMAN
COMMISSIONER

DR. JASON MOYER-LEE
DIRECTOR

January 5, 2024

Michael Grillo and
The M&M Group LLC dba M&M Landcare
Attn: Michael Grillo
499 Poland Road
Auburn, Maine 04210

RE: Violations of 26 MRS. Inspection #482121

Dear Michael Grillo,

When the Wage and Hour Division conducted an inspection of your business commencing on July 12, 2023, the following violations of Maine Labor Law were found:

26 MRS §621-A Timely and Full Payment of Wages requires that employees be paid in full, on an established day or date, at regular intervals made known to the employee. The intervals may not exceed 16 days and must include all wages earned to within 8 days of the payment date.

In this case, employer failed to pay employee, [REDACTED], on the established pay date of 06/09/2023 for work performed in the State of Maine on 05/27/2023. The employer failed to pay [REDACTED] on the established pay date of 06/23/2023 for work performed in the State of Maine on 06/12/23 & 06/13/2023. **2 violations**

26 MRS §629 Unfair Agreements prohibits an employer from requiring or allowing an employee to work without monetary compensation or from having an agreement with the employee that a part of the employee's compensation be returned to the employer except for the payment of a debt as defined.

For purposes of this subchapter, "debt" means a benefit to the employee. "Debt" does not include uniforms, personal protective equipment or other tools of the trade that are considered to be primarily for the benefit or convenience of the employer.

In this case, employer withheld [REDACTED] wages in the amount of \$672.00 for failing to return company uniforms. **1 violation**

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.

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. Each employee is counted as a separate violation, each pay cycle.

BLS Rules, Chapter 9, Rules Governing Administrative Civil Money Penalties for Labor Law Violations, sections II and III defines terms and how penalties are calculated respectively, including multipliers.

2 violations of §621-A x \$100.00 = \$200.00

2 violation of §629 x \$100.00 = \$200.00

26 MRS §664 Minimum wage; overtime rate

Except as otherwise provided in this subchapter, an employer may not employ any employee at a rate less than the rates required by this section.

The minimum wage in Maine in 2023 is \$13.80 per hour. [REDACTED] established rate of pay was \$16.00 per hour.

In this case, the employer failed to pay [REDACTED] for 14 hours worked on 05/27/2023. The established pay date was 06/09/2023.

The employer failed to pay [REDACTED] for 14 hours per day on 06/12/2023 and 06/13/2023. The established pay date was 06/23/2023.

2 violations

26 MRS §671 Penalties

Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200.

BLS Rules, Chapter 9, Rules Governing Administrative Civil Money Penalties for Labor Law Violations, sections II and III defines terms and how penalties are calculated respectively, including multipliers.

2 violations of §664 x \$50.00 = \$100.00

The total penalty for the above violation(s) is \$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 # 482121