



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

LAURA A. FORTMAN
COMMISSIONER

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GOVERNOR

WAGE & HOUR DIVISION

DIRECTOR

October 21, 2024

Team Prior Inc. d/b/a Dominos
and
Lee Prior
220 Park Street
Rockland, ME 04841

RE: Violations of Title 26 MRS. Inspection #486757

Dear Lee Prior,

When the Wage and Hour Division contacted your place of business on February 5, 2024, the following violations of Maine Labor Law were found:

Pay Statements

Subchapter 3 of Chapter 7 of Title 26 of the Maine Revised Statutes, concerning minimum wage and paid overtime, requires employers to keep pay records and provide pay statements to employees. This requirement is set out at Section 665 and (materially) states:

Every employer...shall keep a true and accurate record of the hours worked by each employee and of the wages paid, such records to be preserved by the employer for a period of at least 3 years, and shall furnish to each employee with each payment of wages a statement that clearly shows the date of the pay period, the hours, total earnings and itemized deductions.

In this case, the employers failed to provide a detailed pay statement to employee [REDACTED] with each payment of wages on 11/17/2023 and 12/01/2023.

Violations: 2

Penalties

When assessing fines, the Division generally relies on Section 53 of Title 26, which (materially) states:

...[T]he director may assess a fine against any an employer, officer, agent or other person that violates any provision of chapter 7, subchapters 1 to 4 for each violation of those subchapters. The fine may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. In addition, the director may order any employer, officer, agent or other person that the director finds is in violation under chapter 7, subchapters 1 to 4 or section 1312 to pay unpaid wages determined to be due, as well as an additional amount equal to twice the amount of unpaid wages as liquidated damages and a reasonable rate of interest. ...The director shall adopt rules to govern the administration of the civil money fine or penalty 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. ...

The Rules referred to above are entitled: *Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations*. Pursuant to these rules, the number of violations will be multiplied by \$1,000. The result will then be reduced if the employer has fewer than 100 employees, no history of previous violations, the employer is not being cited for multiple or grave violations, and the employer has demonstrated “good faith”, all of which are defined in the rules.

Employer size and history are the relevant criterion to the imposition of fines in this case. The employers in this case have more than 100 employees and they are being cited for multiple violations. This means that, pursuant to Section II (1) and (2), the penalty amount in all violations will not be reduced.

Pay Statements

The penalty range for pay statement violations is set out at Section 671 and (materially) states: “Any employer who violates this subchapter shall, upon conviction thereof, be punished by a fine of not less than \$50 nor more than \$200.”

There are 2 violations in this category. Chapter 9 Rules require us to start at \$1,000. The \$1,000 figure is multiplied by the 2 violations resulting in a penalty amount of \$2,000. Since the statutory maximum cannot exceed \$200 per violation, the penalty is reduced by \$1,600, resulting in a **total penalty amount of \$400.00 for the violations in this category.**

Appeals and Settlements

The total penalty for the above violation(s) is \$400.00. Please make checks payable to “Treasurer, State of Maine” and mail to the address at the top of this letter.

Pursuant to Section 53 of Title 26, you have the right to appeal this citation. The Bureau's appeals process is set out in Section III of the Chapter 9 Rules.

If you choose to file an appeal of any violation or penalty, you must do so within fifteen (15) business days of receipt of this notice. The appeal must be submitted in writing to the Commissioner. The employer may request the appeal by U.S. mail, hand delivery, or email. If you file an appeal, be specific as to which violation(s) or penalties you wish to appeal. If a request for a formal appeal is received timely, a hearing will be scheduled. The Commissioner may serve as the hearing officer or assign the appeal to a qualified hearing officer. The hearing will be at the headquarters of the Bureau or at a place mutually agreeable to the parties. The hearing may be held telephonically or by remote video, at the discretion of the hearing officer. All proposed penalties will be stayed until after the formal appeal is heard.

If no response is received within the designated timeframe, you accept all citations and any penalties assessed. The notice will become a final order and payment will be due at that time.

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.

You may approach the Bureau to negotiate a settlement to waive the violations or penalties at any time during this process. However, settlement negotiations will not affect the deadline to appeal.

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

Respectfully,



Scott Cotnoir, Director
Wage and Hour Division
Inspection #486757