



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

DR. JASON MOYER-LEE
DIRECTOR

February 14, 2024

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

RE: Violations of Title 26 MRS. Inspection #486443

Dear Lee Prior,

When the Wage and Hour Division, contacted your place of business on January 5, 2024, 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.

In this case, the employer allowed [REDACTED] 15 years old, to perform work duties which included assembling pizza on 12/27/2023 at the employer's Sanford location. **1 violation**

29 CFR 570.33(h) prohibits 14- and 15-year-olds from performing all baking activities. Baking is a process and prohibited activities include such things as the weighing, measuring, and mixing of ingredients; placing or assembling products in pans or on trays. This prohibition on performing activities that are steps in the baking process precludes 14- and 15-year-olds from assembling pizzas just prior to baking. This is true even if older workers will actually place the pizzas in the ovens and remove them from the ovens.

26 MRS §774 (7) Record of work hours of minors. Every employer shall keep a time book or record for every minor employed in any occupation, except household work or the planting, cultivating, or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, stating the number of hours worked by each minor on each day of the week. The time book or record must be open at all reasonable hours to the inspection of the director, a deputy of the director or any authorized agent of the bureau. An employer who fails to keep the time book or record required by this subsection or who makes any false entry to the time book or record, refuses to exhibit the time book or record or makes any false statement to the director, a deputy of the director or any authorized agent of the bureau

in reply to any question in carrying out this section is liable for a violation of this section and is subject to penalties specified in section 781.

In this case, the employer failed to keep a daily time record on the following minor, on the following date:

█████ 15 years old, worked on 12/27/2023. **1 violation**

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 █████ 15 years old, to work at the employer's Sanford location on 12/27/2023 without an approved work permit. **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. 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.

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.

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 = \$250.00 x 1.5 multiplier for hazardous occupation = \$375.00

1 violation of §774(7) = \$250.00

1 violation of §775 = \$250.00

The total penalty for the above violation(s) is \$875.00

Make checks payable to “Treasurer, State of Maine”

You may file a formal appeal of any violation or penalty within fifteen (15) business days of receipt of this notice. The appeal must be submitted in writing to the Deputy Director of the Bureau, at the address listed above. If you file an appeal, be specific as to what violation(s) or penalty you wish to appeal. If a request for a formal appeal is received timely, a hearing will be scheduled. The Deputy Director will serve as the hearing officer or may 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 Deputy Director. 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. Checks should be 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.

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 #486443