



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

KATE BURKHART
DIRECTOR

April 4, 2025

Resurrection Golf Inc dba Old Marsh Country Club
and Sean McCarthy, Director of Operations
387 Whiskeag Road
Bath, Maine 04530
Email: sean@resurrectiongolf.com

RE: Violations of Title 26 MRS. Inspection #495410

Dear Sean McCarthy:

When our inspector visited your place of business on September 18, 2024, the following violations of Maine Labor Law were found:

Timely and Full Payment of Wages

Section 621-A, entitled "Timely and Full Payment of Wages", (materially) states:

1. Minimum frequency and full payment. At regular intervals not to exceed 16 days, every employer must pay in full all wages earned by each employee, except members of the family of the employer and salaried employees. Each payment must include all wages earned to within 8 days of the payment date. Payments that fall on a day when the business is regularly closed must be paid no later than the following business day. An employee who is absent from work at a time fixed for payment must be paid as if the employee was not absent. ...

In this case, the employer failed to pay [REDACTED] in full on 16 separate pay dates between 05/05/2023 and 12/01/2023. The employer withheld \$140.12 from each biweekly paycheck for health insurance premiums that were never paid to the health insurance company totaling \$2,241.92. The employer paid \$4,203.76 to the employee on 10/31/2024. These violations are set out in Appendix A.

Total violations: 16

Penalties

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

...[T]he director may assess a forfeiture against any employer, officer, agent or other person who violates any provision of chapter 7, subchapters 1 to 4 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 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. ...

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 is the only relevant criterion to the imposition of fines in this case. The employer in this case has 57 employees. This means that, pursuant to Section II (1), the penalty amount in all violations will be reduced by 5%. Pursuant to Section II (2), the employers are not entitled to any further reductions because they are being cited for multiple violations.

Timely and Full Payment of Wages

The penalties for timely and full payment of wages (Section 621-A) are set out in Section 626-A, which (materially) states: “Whoever violates any of the provisions of...sections 621-A to 623 or section... 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.”

In this case, there were 16 violations. Chapter 9 Rules require us to start at \$1,000.00. The \$1,000.00 figure is multiplied by the 16 violations resulting in a penalty amount of \$16,000.00. A 5% reduction based on employer size is then applied, resulting in a penalty amount of \$15,200.00. Since the statutory maximum cannot exceed \$500 per violation, the penalty is reduced by \$7,200.00, resulting in a **total penalty amount of \$8,000.00 for violations in this category.**

Wages, Liquidated Damages, and Interest

Section 53 of Title 26 M.R.S. authorizes the Director to order an employer to pay wages, liquidated damages and interest:

In addition, the director may order any employer, officer, agent, or other person who the director finds 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 to any employee as liquidated damages and a reasonable rate of interest.

The interest in this case is calculated at 7.23% per year, the same rate used in Kennebec County Superior Court. We multiply the 7.23% interest by the sum of the wages owed plus the liquidated damages owed to each individual employee. We then divide that amount by 365 days, resulting in a daily amount of interest. The daily interest is then multiplied by the number of days between the first day the wages went unpaid and the date the employer made a partial payment to the employee.

The total amount of wages, liquidated damages, and interest owed to the employee is set out in Appendix A.

Appeals and Settlements

The total penalty for the above violations is \$8,000.00. Checks should be made payable to “Treasurer, State of Maine” and mailed to the address at the top of this letter.

The total liquidated damages and interest owed to the worker is \$3,107.94. Send this office proof of payment.

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, and any wages, liquidated damages, or interest ordered to be paid. 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,

A handwritten signature in black ink that reads "Scott R. Cotnoir". The signature is written in a cursive, slightly stylized font.

Scott Cotnoir, Director
Wage and Hour Division
Inspection #495410

APPENDIX A

A	B	C	D	E	F	G	H	I	J
Establishe d Pay Date	Amount Deducte d from pay	Date paid	Days paid late	Liquidate d Damages	Interest Owed	Total of column B+E+F	Total paid	Total amount owed	\$621-A Violation s
05/05/23	\$140.12	10/31/2024	545	\$280.24	\$45.38	\$465.74	\$262.73	\$203.01	1
05/19/23	\$140.12	10/31/2024	531	\$280.24	\$44.21	\$464.57	\$262.74	\$201.83	1
06/02/23	\$140.12	10/31/2024	517	\$280.24	\$43.05	\$463.41	\$262.73	\$200.68	1
06/16/23	\$140.12	10/31/2024	503	\$280.24	\$41.88	\$462.24	\$262.74	\$199.50	1
06/30/23	\$140.12	10/31/2024	489	\$280.24	\$40.72	\$461.08	\$262.73	\$198.35	1
07/14/23	\$140.12	10/31/2024	475	\$280.24	\$39.55	\$459.91	\$262.74	\$197.17	1
07/28/23	\$140.12	10/31/2024	461	\$280.24	\$38.39	\$458.75	\$262.73	\$196.02	1
08/11/23	\$140.12	10/31/2024	447	\$280.24	\$37.22	\$457.58	\$262.74	\$194.84	1
08/25/23	\$140.12	10/31/2024	433	\$280.24	\$36.05	\$456.41	\$262.73	\$193.68	1
09/08/23	\$140.12	10/31/2024	419	\$280.24	\$34.89	\$455.25	\$262.74	\$192.51	1
09/22/23	\$140.12	10/31/2024	405	\$280.24	\$33.72	\$454.08	\$262.73	\$191.35	1
10/06/23	\$140.12	10/31/2024	391	\$280.24	\$32.56	\$452.92	\$262.74	\$190.18	1

10/23/23	\$140.12	10/31/2024	374	\$280.24	\$31.14	\$451.50	\$262.73	\$188.77	1
11/03/23	\$140.12	10/31/2024	363	\$280.24	\$30.23	\$450.59	\$262.74	\$187.85	1
11/17/23	\$140.12	10/31/2024	349	\$280.24	\$29.06	\$449.42	\$262.73	\$186.69	1
12/01/23	\$140.12	10/31/2024	335	\$280.24	\$27.89	\$448.25	\$262.74	\$185.51	1
TOTAL	\$2,241.92			\$4,483.84	\$585.94	\$7,311.70	\$4,203.76	\$3,107.94	16

Employer paid employee \$4,203.76 on 10/31/2024.
\$3,107.94 in liquidated damages and interest is owed to employee.