

§781. Penalties

1. Strict liability. 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; [PL 1991, c. 544, §10 (NEW).]

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 [PL 1991, c. 544, §10 (NEW).]

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. [RR 2009, c. 2, §72 (COR).]

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1-A. De minimis violations of section 774. Notwithstanding subsection 1, absent a finding that reasonably suggests a pattern of knowing and intentional conduct, the bureau may disregard the following violations of section 774:

A. A violation of the limits on the time that work may begin or end under section 774, subsection 1, paragraph F or G or section 774, subsection 2, paragraph F, as long as the violation is no greater than 10 minutes per day; [RR 2001, c. 1, §39 (COR).]

B. A violation of the number of hours a minor may work in any day under section 774, subsection 1, paragraph B, C or D or section 774, subsection 2, paragraph C or D, as long as the violation is not greater than 10 minutes per day; and [PL 2001, c. 46, §1 (NEW).]

C. A violation of the number of hours worked in a week under section 774, subsection 1, paragraph A or B or section 774, subsection 2, paragraph A or B, as long as the violation is not greater than 50 minutes in a week. [PL 2001, c. 46, §1 (NEW).]

[RR 2001, c. 1, §39 (COR).]

2. Intentional or knowing violation of section 771, 772 or 773-A. An employer who intentionally or knowingly employs, permits or suffers any minor to be employed or to work in violation of section 771, 772 or 773-A is subject to the following fines, 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 fine of not less than \$500; [PL 2017, c. 286, §10 (AMD).]

B. For a 2nd violation occurring within 3 years of a prior adjudication, a fine of not less than \$5,000 nor more than \$20,000; or [PL 2017, c. 286, §10 (AMD).]

C. For a 3rd and subsequent violation occurring within 3 years of 2 or more prior adjudications, a fine of not less than \$10,000 nor more than \$50,000. [PL 2017, c. 286, §10 (AMD).]

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3. Adjudications. As used in this section, a prior adjudication includes a consent decree that contains an admission of a violation. The dates of prior adjudications for any violation or a combination of violations must precede the commission of the violation being enhanced, although prior adjudications involving a combination may have occurred on the same day. The date of any adjudication is the date the forfeiture or penalty is adjudged or the consent decree allowed, even though an appeal was taken.

[PL 1991, c. 544, §10 (NEW).]

SECTION HISTORY

PL 1987, c. 665, §2 (AMD). PL 1989, c. 415, §33 (AMD). PL 1991, c. 544, §10 (RPR). RR 2001, c. 1, §39 (COR). PL 2001, c. 46, §1 (AMD). RR 2009, c. 2, §72 (COR). PL 2017, c. 286, §10 (AMD).

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