



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

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GOVERNOR

WAGE & HOUR DIVISION

MICHAEL ROLAND  
DIRECTOR

May 15, 2023

Wilcox Dawson Wilcox, Inc.  
DBA Arby's  
Attn: Michael Collins  
789 MAIN ST  
PRESQUE ISLE, ME 04769

RE: Violations of Title 26 MRS. Inspection #472953

Dear Michael Collins,

When our Inspector contacted your place of business on December 9, 2022, 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.

BLS Rules, Chapter 11, Rules Governing Hazardous Occupations for Minors Under the Age of Eighteen in Non-Agricultural Employment, section (3)(A) and (B) lists the hazardous occupations.

In this case, the employer allowed a 17-year-old minor to use a meat slicer on August 8, 2022, which resulted in the minor getting injured. **1 violation**

**26 MRS §774 (1) Restricted Hours** - Minors 16 & 17 years of Age A minor 16 years of age or older and under 18 years of age, enrolled in school, may not be employed as follows:

- A. More than 50 hours in any week when the minor's school is not in session;
- B. More than 24 hours in any week when the minor's school is in session;
- C. More than 10 hours in any day when the minor's school is not in session;
- D. More than 6 hours in any day when the minor's school is in session, except that the minor may work up to 8 hours on the last scheduled day of the school week;
- E. More than 6 consecutive days;
- F. After 10:15 p.m. on a day preceding a day on which the minor's school is in session or after 12 midnight on a day that does not precede such a school day; or
- G. Before 7 a.m. on a day on which the minor's school is in session or before 5 a.m. on any other day.

In this case, the employer allowed a 17-year-old minor to work in violation of subsection B during the week of 09/11/2022 and the week of 09/18/2022. **2 violations**

The employer allowed a 17-year-old minor to work in violation of subsection D on 09/15/2022. **1 violation**

**26 MRS §774 (2) Restricted Hours** - Minors Under 16 years of Age A minor under 16 years of age may not be employed as follows:

- A. More than 40 hours in any given week when school is not in session;
- B. More than 18 hours in any week when school is in session;
- C. More than 8 hours in any day when school is not in session;
- D. More than 3 hours in any day when school is in session;
- E. More than 6 consecutive days; or
- F. Between the hours of 7 p.m. and 7 a.m. except during summer vacation, when that minor may not work between the hours of 9 p.m. and 7 a.m.

The employer allowed a minor under 16 years of age to work in violation of subsection C on 8 separate days between 06/23/2021 and 10/01/2022. **8 violations**

The employer allowed a minor under 16 years of age to work in violation of subsection D on 5 separate days between 06/14/2021 and 02/11/2022. **5 violations**

The employer allowed a minor under 16 years of age to work in violation of subsection E between July 14, 2022 and July 20, 2022. **1 violation**

**26 MRS §774 (3) Work During School Hours** restricts minors under 17 years of age from working during the hours that school is in session.

In this case, the employer allowed a minor under 17 years of age to work during school hours on 06/14/2021, 06/15/2021, 06/16/2021 and 6/18/2021. **4 violations**

**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 a minor under 16 years of age to work without an approved work permit on 186 days between 06/14/2021 and 08/07/2022. **186 violations**

**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 x \$250 = \$250**

**3 violations of §774 (1) x \$250 = \$250**

**14 violations of §774 (2) x \$250 = \$3,500**

**4 violations of §774 (3) x \$250 = \$1,000**

**186 violations of §775 x \$250 = \$46,500**

**The total penalty for the above violation(s) is \$51,500.00.**

**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 # 472953