



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

MICHAEL ROLAND
DIRECTOR

April 14, 2023

TD Logging Inc.
Attn. Travis Dionne
40 Pearl Street
Fort Kent, ME 04743

RE: Violations of Title 26 MRS. Inspection #472965

Dear Travis Dionne,

When our Inspector contacted your place of business on 12/09/2022 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 minor to operate a hazardous piece of logging equipment, specifically a forwarder, a minimum of 24 times between week ending 06/25/2022 and 08/13/2022. The minor was 15 years old when employment started and 16 years old when employment ended.

The employer allowed a 16-year-old minor to drive a company truck at 4AM on 08/11/2022. The minor had a vehicle accident and suffered injuries.

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 16-year-old minor to work in violation of subsection A on 5 separate occasions between 07/16/2022 and 08/13/2022.

The employer allowed a 16-year-old minor to work in violation of subsection G on 08/11/2022.

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.

In this case, the employer allowed a 15-year-old minor to work in violation of subsection A on 2 separate occasions between 06/25/2022 and 07/02/2022.

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 time book or record of the number of hours worked by each minor on each day of the week for work performed each week ending 06/25/2022 through 08/13/2022.

- The minor worked 49 hours week ending 06/25/2022, which is a minimum of 3 days.
- The minor worked 48.3 hours week ending 07/02/2022, which is a minimum of 3 days.
- The minor worked 48.3 hours week ending 07/09/2022, which is a minimum of 3 days.
- The minor worked 50.15 hours week ending 07/16/2022, which is a minimum of 3 days.
- The minor worked 50.3 hours week ending 07/23/2022, which is a minimum of 3 days.
- The minor worked 52 hours week ending 07/30/2022, which is a minimum of 3 days.
- The minor worked 56 hours week ending 08/06/2022, which is a minimum of 3 days.
- The minor worked 56 hours week ending 08/13/2022, which is a minimum of 3 days.

24 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.

25 violations of §772 x \$250 x 1.5 multiplier* = \$9,375.00

6 violations of §774(1) x \$250 = \$1,500.00

2 violations of §774(2) x \$250 = \$500.00

24 violations of §774(7) x \$250 = \$6,000.00

* BLS Rules, Chapter 9, Rules Governing Administrative Civil Money Penalties for Labor Law Violations, calls for a 1.5x multiplier for any violation involving a minor working in a hazardous occupation.

The total penalty for the above violation(s) is \$17,375.00.

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.

(see employer options below)

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 # 472965