

§14058. Penalties

1. Injunction. The State may seek to enjoin any person or employee leasing company from violating this chapter.

[PL 1991, c. 468, §4 (NEW).]

2. Penalty. The following penalties apply to violations of this chapter.

A. A person or employee leasing company that violates this chapter is subject to a fine of \$100 per day for each violation. [PL 2003, c. 452, Pt. R, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A corporation, partnership, sole proprietorship or other form of business entity and an officer, director, general partner, agent, representative or employee of any of those types of business entities that knowingly uses or participates in any employee leasing agreement, arrangement or mechanism for the purpose of depriving one or more insurers of premiums or avoiding the calculation of the proper contribution rate for purposes of unemployment contributions commits a Class E crime.

[PL 2003, c. 452, Pt. R, §10 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. R, §10 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Rebuttable presumption. When an employee leasing company leases employees to only one client company and its affiliates, there is a rebuttable presumption that the client company entered into an employee leasing arrangement to avoid the calculation of the proper contribution rate for payment of unemployment contributions.

[PL 1991, c. 468, §4 (NEW).]

4. Costs. Any costs incurred by the superintendent in investigating violations of or enforcing this chapter must be paid by the person or entity found to have violated this chapter.

[PL 1991, c. 468, §4 (NEW).]

SECTION HISTORY

PL 1991, c. 468, §4 (NEW). PL 2003, c. 452, §R10 (AMD). PL 2003, c. 452, §X2 (AFF).

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