

### §360. Penalties

**1. Reporting violations.** The board may assess a civil penalty not to exceed \$100 for each violation on any person:

- A. Who fails to file or complete any report or form required by this Act or rules adopted under this Act; or [PL 1991, c. 885, Pt. A, §8 (NEW); PL 1991, c. 885, Pt. A, §§9-11 (AFF).]
- B. Who fails to file or complete such a report or form within the time limits specified in this Act or rules adopted under this Act. [PL 1991, c. 885, Pt. A, §8 (NEW); PL 1991, c. 885, Pt. A, §§9-11 (AFF).]

An insured employer may be required to reimburse the insurer for any penalty under this subsection that is due as a result of the insured employer's failure to give timely notice or information to its insurer. [PL 2023, c. 205, §7 (AMD).]

**2. General authority.** The board may assess, after hearing, a civil penalty in an amount not to exceed \$1,000 for an individual and \$10,000 for a corporation, partnership or other legal entity for any willful violation of this Act, fraud or intentional misrepresentation. The board may also require that person to repay any compensation received through a violation of this Act, fraud or intentional misrepresentation or to pay any compensation withheld through a violation of this Act, fraud or misrepresentation, with interest at the rate of 10% per year. [PL 1991, c. 885, Pt. A, §8 (NEW); PL 1991, c. 885, Pt. A, §§9-11 (AFF).]

**3. Appeal.** A decision of the board under this section is deemed to be final agency action subject to appeal to the Superior Court, as provided in Title 5, chapter 375, subchapter 7. Notwithstanding Title 5, section 11004, execution of a penalty assessed under this section is stayed during the pendency of any appeal under this subsection. The Attorney General shall represent the board in any appeal under this subsection or the board may retain private counsel for that purpose. [PL 2007, c. 78, §1 (AMD).]

**4. Enforcement and collection.** Penalties assessed under this section are in addition to any other remedies available under this Act and are enforceable by the Superior Court under section 323.

A. The Attorney General shall prosecute any action necessary to recover penalties assessed under this section or the board may retain private counsel for that purpose. [PL 1991, c. 885, Pt. A, §8 (NEW); PL 1991, c. 885, Pt. A, §§9-11 (AFF).]

B. If any person fails to pay any penalty assessed under this section and enforcement by the Superior Court is necessary:

- (1) That person shall pay the costs of prosecuting the action in Superior Court, including reasonable attorney's fees; and
- (2) If the failure to pay was without due cause, any penalty assessed on that person under this section must be doubled. [PL 1991, c. 885, Pt. A, §8 (NEW); PL 1991, c. 885, Pt. A, §§9-11 (AFF).]

C. All penalties assessed under this section are payable to the General Fund. [PL 1991, c. 885, Pt. A, §8 (NEW); PL 1991, c. 885, Pt. A, §§9-11 (AFF).]  
[PL 1991, c. 885, Pt. A, §8 (NEW); PL 1991, c. 885, Pt. A, §§9-11 (AFF).]

**5. Not an element of loss.** An insurance carrier's payment of any penalty assessed under this section may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance. [PL 1991, c. 885, Pt. A, §8 (NEW); PL 1991, c. 885, Pt. A, §§9-11 (AFF).]

**6. Maine Insurance Guaranty Association.** The provisions of this section apply to the Maine Insurance Guaranty Association under Title 24-A, chapter 57, subchapter 3.

[PL 2009, c. 129, §12 (NEW); PL 2009, c. 129, §13 (AFF).]

#### SECTION HISTORY

PL 1991, c. 885, §A8 (NEW). PL 1991, c. 885, §§A9-11 (AFF). PL 2007, c. 78, §1 (AMD). PL 2009, c. 129, §12 (AMD). PL 2009, c. 129, §13 (AFF). PL 2023, c. 205, §7 (AMD).

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