

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1398

S.P. 487

In Senate, March 22, 2005

An Act To Align Federal and State Child Labor Laws

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COWGER of Kennebec.
Cosponsored by Representative COLLINS of Wells and
Senators: CLUKEY of Aroostook, DIAMOND of Cumberland, DOW of Lincoln, NUTTING
of Androscoggin, SULLIVAN of York, Representatives: McCORMICK of West Gardiner,
MILLS of Farmington.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 14 MRSA §1522, sub-§1, ¶K,** as enacted by PL 1991, c.
9, Pt. G, §2, is repealed.

6 **Sec. 2. 20-A MRSA §5054,** as enacted by PL 1989, c. 415, §26,
is repealed and the following enacted in its place:

8 **§5054. Employment of truants prohibited**

10 Any firm or corporation, or agent or manager of any firm or
12 corporation, who hires or otherwise engages any student who is
14 habitually truant as defined in this subchapter without a release
from the student's supervising superintendent of schools is
16 subject to the following fines:

18 1. First violation. For the first violation or a violation
not subject to a sanction under subsection 2 or 3, a fine of not
20 less than \$250 and not more than \$5,000;

22 2. Second violation. For a 2nd violation occurring within
3 years of a prior violation, a fine of not less than \$500 and
24 not more than \$5,000; or

26 3. Third and subsequent violation. For a 3rd and
subsequent violation occurring within 3 years of 2 or more prior
28 violations, a fine of not less than \$2,000 and not more than
\$10,000.

30 **Sec. 3. 26 MRSA §772,** as repealed and replaced by PL 2003, c.
59, §1, is repealed.

32 **Sec. 4. 26 MRSA §772-A** is enacted to read:

34 **§772-A. Employment of minors**

36 1. Prohibition against certain employment. A minor under 18
38 years of age may not be employed in any capacity except in
accordance with rules adopted by the director pursuant to this
40 section.

42 2. Rules. The director shall adopt rules governing the
employment of minors under 18 years of age that conform to the
44 federal Fair Labor Standards Act of 1938, 29 United States Code,
Sections 203, 211, 212 and 218 and to federal regulations adopted
46 pursuant to those sections, including, but not limited to, 29
Code of Federal Regulations, Part 570.

2 3. Additional rule regarding places having nude
3 entertainment. In addition to rules adopted pursuant to
4 subsection 2, the director shall adopt a rule prohibiting minors
5 under 18 years of age from being employed in places having nude
6 entertainment.

7 4. Routine technical rules. Rules adopted pursuant to this
8 section are routine technical rules as defined in Title 5,
9 chapter 375, subchapter 2-A.

10
11 **Sec. 5. 26 MRSA §773**, as amended by PL 2001, c. 43, §1, is
12 repealed.

13
14 **Sec. 6. 26 MRSA §774**, as amended by PL 2003, c. 53, §1, is
15 repealed.

16
17 **Sec. 7. 26 MRSA §775**, as amended by PL 2001, c. 398, Pt. A,
18 §1, is repealed.

19
20 **Sec. 8. 26 MRSA §777**, as amended by PL 2001, c. 398, Pt. A,
21 §2, is repealed.

22
23 **Sec. 9. 26 MRSA §779** is repealed.

24
25 **Sec. 10. 26 MRSA §780**, as amended by PL 1991, c. 544, §9, is
26 repealed.

27
28 **Sec. 11. 26 MRSA §781**, as corrected by RR 2001, c. 1, §39, is
29 repealed.

30
31 **Sec. 12. 26 MRSA §782**, as repealed and replaced by PL 2003,
32 c. 452, Pt. O, §2 and affected by Pt. X, §2, is repealed.

33
34 **Sec. 13. 26 MRSA §§783 and 784** are repealed.

35
36 **Sec. 14. 26 MRSA §785**, as enacted by PL 1993, c. 434, §6, is
37 repealed.

38
39 **Sec. 15. 39-A MRSA §408, sub-§§1 and 2**, as enacted by PL 1991,
40 c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

41
42 **1. Legally employed minors.** A minor is deemed sui juris
43 for the purpose of this Act if the minor's employer was not in
44 violation of Title 26, section 771~~7~~-772 or 773 772-A at the time
45 of the minor's injury. No other person has any cause of action
46 or right to compensation for an injury to that minor employee
47 except as provided in this section.
48

