

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 397

H.P. 277

House of Representatives, February 6, 1991

Submitted by the Department of Labor pursuant to Joint Rule 24.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

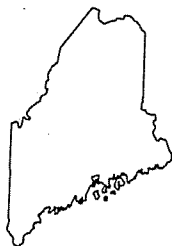
Presented by Representative SMALL of Bath.

Cosponsored by Representative REED of Falmouth, Representative PINEAU of Jay and
Senator ESTY of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend Child Labor Laws.



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

2
4 Sec. 1. 26 MRSA §771, as amended by PL 1979, c. 468, §2, is further amended to read:

6 **§771. Minors under 14 years of age**

8 No A child under 14 years of age shall may not be employed, permitted or suffered to work in, about or in connection with
10 agriculture, except for the planting, cultivating or harvesting of field crops or other agricultural employment not in direct
12 contact with hazardous machinery or hazardous substances, any eating place, automatic laundries, retail establishment where
14 frozen dairy products are manufactured on the premises, sporting or overnight camp, mercantile establishment or in outdoor
16 occupations on the grounds of a hotel, and no a child between the ages of 14 and 16 years shall may not be so employed when the
18 distance between the work place and the home of the child, or any other factor, necessitates the child's remaining away from home
20 overnight. ~~Except as otherwise provided, no child under 15 years of age shall be employed, permitted or suffered to work at any business or service for hire, whatever, during the hours that the public schools of the town or city in which he resides are in~~
22 ~~session.~~ This section shall does not apply to any such child who is employed directly by, with or under the supervision of either
24 or both of ~~its~~ the child's parents; or to any such child employed in school lunch programs, if limited to serving food and cleaning
26 up dining rooms.
28

30 Sec. 2. 26 MRSA §771-A is enacted to read:

32 **§771-A. Minors under 17 years of age**

34 A minor under 17 years of age may not be employed, permitted or suffered to work at any business or service for hire during the hours that the public schools of the town or city in which the minor resides are in session.

38 1. Exceptions. This section does not apply to:

40 A. A minor who has been excused from attendance by school officials in accordance with Title 20-A, section 5001-A, subsection 2, 3 or 4;

42 B. A student in an alternative education plan that includes a work experience component;

44 C. A student in an approved vocational cooperative education program; or

46 D. A student who is granted permission for an early school release by the school principal.
48
50
52

2 **Sec. 3. 26 MRSA §775**, as amended by PL 1989, c. 700, Pt. A,
§103, is repealed and the following enacted in its place:

4 **§775. Work permits**

6 **1. Work permit authority.** A minor under 17 years of age
8 may not be employed without a work permit issued to the minor by
the superintendent of schools of the city or town in which the
10 minor resides. The superintendent may designate a school
official to issue a work permit and that official is directly
12 responsible to the superintendent for this activity.

14 **2. Conditions for issuance.** The superintendent or the
designee may issue a permit only if one of the following
16 conditions is verified for minors under 17 years of age:

18 **A.** The minor is enrolled in school, is not habitually
truant, is not under suspension and is passing a majority of
20 courses or classes during the current grading period; or

22 **B.** The minor has been granted an exception to compulsory
education under the provisions of Title 20-A, section
24 5001-A, subsection 2, 3 or 4.

26 **3. Conditions for revocation.** The Director of the Bureau
of Labor Standards shall revoke the work permit issued to a minor
28 under 17 years of age upon investigation if, after reviewing
evidence provided by the superintendent of schools, the director
30 determines that the minor has not maintained the conditions for
issuance of the work permit under subsection 2, paragraph A.

32 **Sec. 4. Appropriation.** The following funds are appropriated
34 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
38 LABOR, DEPARTMENT OF		
40 Positions	(1)	(1)
42 Personal Services	\$27,824	\$29,812
All Other	6,800	5,920
44 TOTAL	<u>\$34,624</u>	<u>\$35,732</u>

46 These funds are to be used to
add an Assistant Labor
48 Inspector to the Bureau of
Labor Standards to process
50 work permits for 16-year-old

2 youths and to assist in field
inspections.

4 **Sec. 5. Effective date.** This Act takes effect January 1, 1992.

6
8 **STATEMENT OF FACT**

10 This bill reflects the recommendations of the Governor's
Advisory Committee on Truancy, Dropout and Alternative
12 Education. These recommendations establish clear criteria
pertaining to work permits and educational attainment and
14 restrict work hours for minors under the age of 17. Under the
bill, school officials' authority to issue and monitor work
16 permits are strengthened to encourage students' success in school
and assist their transition to the workplace.