

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 905

H.P. 635

House of Representatives, February 28, 1991

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 PINEAU of Jay.

Cosponsored by Senator ESTY of Cumberland, Representative LUTHER of Mexico and Representative McHENRY of Madawaska.

STATE OF MAINE

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

An Act to Increase Penalties for Child Labor Law Violations.



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

2
4 **Sec. 1. 26 MRSA §704**, as amended by PL 1981, c. 698, §115, is further amended to read:

6 **§704. Penalty for employers**

8 Any person who violates sections 701 and 702 ~~commits a civil~~
10 ~~violation for which is subject to the following forfeiture shall~~
12 ~~be adjudged civil penalties payable to the State and recoverable~~
14 ~~in a civil action:~~

16 1. **First offense.** For the first offense a ~~forfeiture~~
18 ~~penalty~~ of not less than \$50 \$500 nor more than \$100 \$5,000;

20 2. **Second offense.** For the 2nd offense a ~~forfeiture penalty~~
22 ~~of not less than \$100 \$5,000 nor more than \$200 \$20,000; and~~

24 3. **Subsequent offenses.** For a 3rd offense and subsequent
26 ~~offenses a forfeiture penalty of not less than \$250 \$20,000 nor~~
28 ~~more than \$500 \$50,000.~~

30 Funds raised from penalties imposed under this section must
32 be paid to the Department of Labor to be used for the enforcement
34 of child labor laws.

36 **Sec. 2. 39 MRSA §4, first ¶**, as amended by PL 1985, c. 737, Pt.
38 A, §117, is further amended to read:

40 An employer who has secured the payment of compensation in
42 ~~conformity~~ conformity with sections 21-A to 27 is exempt from
44 civil actions, either at common law or under sections 141 to 148,
46 Title 14, sections 8101 to 8118, and Title 18-A, section 2-804,
48 involving personal injuries sustained by an employee arising out
50 of and in the course of his employment, or for death resulting
52 from those injuries. This exemption from liability applies to
all employees, supervisors, officers and directors of the
employer for any personal injuries arising out of and in the
course of employment, or for death resulting from those
injuries. These exemptions also apply to occupational diseases
sustained by an employee or for death resulting from those
diseases. These exemptions do not apply to an employer who
employs a minor in violation of the child labor laws and the
minor, as a result of the employment, is injured or killed.

54 **STATEMENT OF FACT**

56 This bill takes into account the effect of the illegal
58 employment of minors. The number of violations is increasing,
60 evidence that the sanctions available are inadequate to achieve
62 the public purpose of the protection of children from underage or
unsafe employment.

2 This bill removes the total immunity under the workers'
3 compensation laws granted employers who illegally employ minors,
4 increases the likelihood of compliance with the current law
5 restricting the employment of minors and provides that, if an
6 injury or death occurs, the employer is liable for full damages.

8 The penalties recovered from illegal employment are paid to
9 the Department of Labor for enforcement of child labor laws and
10 provide continued funding for enforcement activities.