

MAINE STATE LEGISLATURE

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R. O. S.

L.D. 2213

(Filing No. S- 575)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 866, L.D. 2213, Bill, "An Act to Amend Child Labor Laws"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature recently enacted legislation restricting the work hours of certain minors; and

Whereas, that legislation has made it difficult for employers to fill Friday shifts; and

Whereas, certain minors should be allowed to work additional hours on days that do not precede a scheduled school day; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 26 MRSA §774, sub-§1, ¶D, as enacted by PL 1991, c. 544, §5, is amended to read:

D. More than 4 hours in any day when school is in session, except that the minor may work up to 8 hours on the last scheduled day of the school week;

COMMITTEE AMENDMENT

2 **Sec. 2. 26 MRSA §774, sub-§3, ¶A**, as enacted by PL 1991, c.
544, §5, is amended to read:

4 A. This subsection does not apply to:

6 (1) A minor who has been excused from attendance by
8 school officials in accordance with Title 20-A, section
10 5001-A, subsection 2 or subsection 3, except that a
12 minor who has been excused in accordance with
 subsection 3 may not be employed during the hours that
 the minor's school or approved home instruction program
 is in session;

14 (2) A student in an alternative education plan that
 includes a work experience component;

16 (3) A student in an approved vocational cooperative
18 education program; or

20 (4) A student who is granted permission for an early
22 school release by the school principal.

24 **Sec. 3. 26 MRSA §774, sub-§4**, as corrected by RR 1991, c. 1,
§34, is amended to read:

26 **4. Exemptions.** Work performed in the planting, cultivating
28 or harvesting of field crops or other agricultural employment not
30 in direct contact with hazardous machinery or hazardous
 ~~substances or any occupation that does not offer continuous,~~
 ~~year-round employment~~ work performed as a summer camp employee in
32 a children's camp is exempt from this section, provided a minor
34 under 16 years of age has been excused by the local
36 superintendent of schools in accordance with the policy
38 established by the Commissioner of Education and the Director of
 the Bureau of Labor Standards. Work performed in the taking or
 catching of lobsters, fish or other marine organisms by any
 methods or means, or in the operating of ferries or excursion
 boats, is exempt from subsection 1, paragraphs A and C.

40 **Sec. 4. 26 MRSA §774, sub-§5** is enacted to read:

42 **5. Application.** This section does not apply to a person
44 who holds a high school diploma or a high school equivalency
46 certificate issued pursuant to Title 20-A, section 257 or to a
 minor emancipated pursuant to Title 15, section 3506-A.

48 **Sec. 5. 26 MRSA §775, sub-§2, ¶¶B and C**, as enacted by PL 1991,
c. 544, §5, are amended to read:

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2 B. If school is not in session, the minor must furnish to
4 the superintendent a certificate signed by the principal of
6 the school last attended showing that the minor has
8 satisfactorily completed kindergarten to grade 8 in the
public schools or their equivalent. If the certificate can
not be obtained, the superintendent shall examine the minor
to determine whether the minor meets these educational
standards; or

10 C. If the minor has been granted an exception to compulsory
12 education under Title 20-A, section 5001-A, subsection 2,
14 the minor must only submit proof of age as provided in
subsection 3; or

16 **Sec. 6. 26 MRSA §775, sub-§2, ¶D** is enacted to read:

18 D. If school is in session, the superintendent may have
20 only one work permit issued to the minor at any given time.
The superintendent may issue 2 work permits to the minor for
the summer vacation period.

22 **Sec. 7. 26 MRSA §775, sub-§§4 and 6,** as enacted by PL 1991, c.
24 544, §5, are amended to read:

26 **4. Conditions for revocation.** The superintendent may
28 revoke the work permit issued to a minor if the superintendent
30 determines that the minor has not maintained the conditions for
32 issuance of the work permit under subsection 2, paragraph A. The
34 superintendent shall revoke 2nd work permits at the end of the
36 summer vacation in accordance with the limits imposed by
subsection 2, paragraph D. The superintendent shall notify the
Director of the Bureau of Labor Standards and the minor's
employer in writing upon revoking a minor's work permit. The
revocation is effective upon receipt by the employer of the
superintendent's notice.

38 **6. Exception.** This section does not apply to minors
40 engaged in work performed in the planting, cultivating or
42 harvesting of field crops or other agricultural employment not in
direct contact with hazardous machinery or hazardous substances,
or to minors engaged in household work or any occupation that
does not offer continuous, year-round employment.

44 **Sec. 8. Posting of notice.** Notwithstanding the Maine Revised
46 Statutes, Title 26, section 701, the Bureau of Labor Standards is
48 not required to modify and redistribute the printed notice
required by that section to reflect the changes in the law
resulting from this Act. The Bureau of Labor Standards shall
modify the printed notice to reflect the changes contained in

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2 this Act when it becomes necessary, due to an insufficient supply
of such notices or future changes in the law, to print additional
3 notices.

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5 **Sec. 9. Effective date.** Sections 5 to 7 of this Act take effect
6 on June 15, 1992.

7 **Emergency clause.** In view of the emergency cited in the
8 preamble, this Act takes effect when approved, except as
9 otherwise indicated.

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12 **FISCAL NOTE**

13 Although there are costs associated with labor law poster
14 revisions, these modifications will be done when supplies of the
15 poster are such that reprinting is required or when future
16 statutory changes require a modification and distribution of the
17 poster. These costs can be absorbed by the Bureau of Labor
18 Standards within routine operations.
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22 **STATEMENT OF FACT**

23 This amendment replaces the original bill and incorporates
24 many of the changes to the child labor laws that were in LD 1995,
25 LD 2043, LD 2136 and LD 2213. This amendment permits a minor 16
26 or 17 years of age to work up to 8 hours on the last day of the
27 school week, rather than the 4 hours under current law. It
28 clarifies the restriction on working during school hours as it
29 applies to students in an approved home instruction program. The
30 amendment also clarifies that employees of a summer children's
31 camp are exempt from the hours limitations, as well as minors who
32 hold a high school diploma, a high school equivalency certificate
33 or who are legally emancipated. The amendment also restricts the
34 number of work permits that may be issued to a minor of 14 or 15
35 years of age to one during the school year and 2 during the
36 summer vacation. The local school superintendent is given
37 authority to revoke the 2nd permit at the end of the summer.
38 Finally, an exemption to the work permit requirement was
39 removed. The amendment also adds a fiscal note to the bill.
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43 Reported by Senator Conley for the Committee on Labor.
44 Reproduced and Distributed Pursuant to Senate Rule 12.
45 (3/3/92) (Filing No. S-575)