

MAINE STATE LEGISLATURE

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L.D. 1108

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 822, L.D. 1108, Bill, "An Act to Amend the 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 created a hardship for certain minors who should be allowed to work additional hours on days when school is not in session, including the upcoming summer vacation; 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Sec. 1. 26 MRSA §664, last ¶, as amended by PL 1991, c. 544, §1, is repealed.

Sec. 2. 26 MRSA §773, first ¶, is amended to read:

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 822, L.D. 1108

2 No A minor under 16 years of age shall may not be employed,
 4 permitted or suffered to work in, about or in connection with any
 6 manufacturing or mechanical establishment, hotel, rooming house,
 8 laundry, except those commonly known as automatic laundries, dry
 10 cleaning establishments, bakery, bowling alley, poolroom,
 commercial places of amusement, including traveling shows and
 circuses, or in any theater or moving picture house. The
 provisions of this section pertaining to theaters shall do not
 apply to minors under 16 years of age who are employed or in
 training as theatrical actors or film actors.

12 **Sec. 3. 26 MRSA §774, sub-§1**, as amended by PL 1991, c. 713,
 14 §1, is further amended to read:

16 1. **Minors under 18 years of age.** A minor under 18 years of
 age, enrolled in school, may not be employed as follows:

18 A. More than ~~48~~ 50 hours in any week when school is not in
 20 session;

22 B. More than 20 hours in any week when school is in
 24 session, except that the minor may work up to 8 hours on
 26 each day that an authorized school closure occurs up to a
total of 28 hours in that week. If requested, a school must
provide verification of its closings to the minor's employer
or the Department of Labor;

28 C. More than 8 10 hours in any day when school is not in
 30 session;

32 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
 34 scheduled day of the school week;

36 E. More than 6 consecutive days; ~~ex~~

38 F. ~~Between the hours of~~ After 10 p.m. and 7 a.m. on a day
 40 ~~preceding a school day or between the hours of~~ after 12 a.m.
~~and 7 a.m. midnight~~ on a day that does not precede a school
 day; or

42 G. Before 7 a.m. on a school day or before 5 a.m. on a day
 44 that is not a school day.

46 **Sec. 4. 26 MRSA §774, sub-§2, ¶F**, as enacted by PL 1991, c.
 544, §5, is amended to read:

48 F. ~~Between the hours of 7 p.m. and 7 a.m. in any day when~~
 50 ~~school is in session or~~ except during summer vacation, when
that minor may not work between the hours of 9 p.m. and 7
a.m. during summer school vacation.

2 **Sec. 5. 26 MRSA §774, sub-§4**, as amended by PL 1991, c. 713,
3, is further amended to read:

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5 **4. Exemptions.** Work performed in the planting, cultivating
6 or harvesting of field crops or other agricultural employment,
7 including the initial processing of farm crops, not in direct
8 contact with hazardous machinery or hazardous substances, work
9 performed as an employed or in-training theatrical actor or film
10 actor or work performed as a summer camp employee in a children's
11 camp is exempt from this section, provided a minor under 16 years
12 of age has been excused by the local superintendent of schools in
13 accordance with the policy established by the Commissioner of
14 Education and the Director of the Bureau of Labor Standards.
15 Work performed in the taking or catching of lobsters, fish or
16 other marine organisms by any methods or means, or in the
17 operating of ferries or excursion boats, is exempt from
18 subsection 1, paragraphs A and C.

20 **Sec. 6. 26 MRSA §785** is enacted to read:

22 **§785. Rulemaking**

24 The Director of the Bureau of Labor Standards may adopt
25 rules pursuant to Title 5, chapter 375, subchapter II that are
26 consistent with this subchapter and considered appropriate or
27 necessary for the proper administration and enforcement of this
28 subchapter.

30 **Sec. 7. Posting of notice.** Notwithstanding the Maine Revised
31 Statutes, Title 26, section 701, the Bureau of Labor Standards is
32 not required to modify and redistribute the printed notice
33 required by that section to reflect the changes in the laws
34 resulting from this Act. The Bureau of Labor Standards shall
35 modify the printed notice to reflect the changes contained in
36 this Act when it becomes necessary, due to an insufficient supply
37 of notices or future changes in the law, to print additional
38 notices.

40 **Sec. 8. Effective date.** That section of this Act that amends
41 the Maine Revised Statutes, Title 26, section 664 takes effect on
42 September 1, 1993.

44 **Emergency clause.** In view of the emergency cited in the
45 preamble, this Act takes effect when approved.
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FISCAL NOTE

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The additional costs incurred by local school administrative units to provide certain notifications of closings will require 90% funding by the State as a state mandate pursuant to the Constitution of Maine. The General Fund appropriations required to fund these costs can not be estimated at this time.

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The Department of Labor will incur some minor additional costs to administer certain provisions of the child labor laws and to adopt rules relating to child labor. These costs can be absorbed within the department's existing budgeted resources.'

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STATEMENT OF FACT

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This amendment replaces the original bill, adds an emergency preamble and emergency clause and incorporates many of the changes to the child labor laws that were in the original bill and other current legislation including LD 164, LD 203, LD 708 and LD 1144. The amendment expands the employment hours for 16-year-olds and 17-year-olds when school is not in session by increasing the weekly maximum number of hours from 48 hours to 50 hours and increasing the daily maximum number of hours from 8 hours to 10 hours. The maximum number of hours a 16-year-old and a 17-year-old may work in a week when school is in session is not increased unless there is an authorized school closure such as a snow day. The amendment also allows 16-year-olds and 17-year-olds to begin work as early as 5 a.m. on any day that is not a school day. The amendment clarifies that 16-year-olds and 17-year-olds may not work past midnight on a day that does not precede a school day or past 10 p.m. on a day preceding a school day. The provision of law on the hours of day that a 14-year-old and 15-year-old may work is clarified so that all days of the year are covered. The amendment also adds an exemption for theatrical and film actors and clarifies that the agricultural exemption includes the initial processing of farm crops. The amendment repeals the provision of law that allows employers to pay individuals under 19 years of age only 85% of the minimum wage, effective September 1, 1993. The amendment allows the Director of the Bureau of Labor Standards to adopt rules for the administration and enforcement of the subchapter concerning child labor. The amendment provides that the Bureau of Labor Standards need not update its printed notice at this time and adds a fiscal note to the bill.

Reported by the Committee on Labor
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5/28/93

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