

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1708

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S.P. 550

In Senate, March 20, 2001

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**An Act to Streamline the Administration and Enforcement of the Work  
Permit Provisions of Child Labor Laws.**

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Submitted by the Department of Labor pursuant to Joint Rule 204.  
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 EDMONDS of Cumberland.  
Cosponsored by Senator SAWYER of Penobscot, Representatives: BUNKER of Kossuth  
Township, DAVIS of Falmouth, SMITH of Van Buren.

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

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4       **Sec. 1. 26 MRSA §775**, as amended by PL 1993, c. 527, §1, is further amended to read:

6       **§775. Work permits**

8           **1. Work permit authority.** A minor under 16 years of age may not be employed without a work permit ~~issued to the minor~~ signed by the superintendent of schools of the school administrative unit in which the minor resides and issued to the minor by the bureau. The superintendent may designate a school official to ~~issue~~ sign a work permit and that official is directly responsible to the superintendent for this activity.

16          **2. Conditions for signature.** The superintendent shall ~~issue~~ sign a permit in the following circumstances:

18           A. If the school is in session or the minor is attending summer school, the minor must be enrolled in school, not habitually truant, not under suspension and passing a majority of courses during the current grading period. Upon request of the minor, the superintendent may waive the requirements for one grading period if, in the opinion of the superintendent, there are extenuating circumstances or if imposing the requirements would create an undue hardship for the minor;

28           B. If school is not in session, the minor must furnish to the superintendent a certificate signed by the principal of the school last attended showing that the minor has 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;

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

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

48          **3. Proof of age.** The superintendent may ~~issue~~ sign a permit only upon receiving and examining satisfactory evidence of the minor's age. Satisfactory evidence consists of a certified

2 copy of the minor's birth certificate or baptismal record, a  
3 passport showing the date of birth or other documentary evidence  
4 of age satisfactory to the superintendent and approved by the  
5 director. The superintendent may require, in doubtful cases, a  
6 certificate signed by a physician appointed by the school board,  
7 stating that the minor has been examined and, in that physician's  
8 opinion, has reached the normal development of a minor of the  
9 same age and is in sufficiently sound health and physically able  
10 to perform the work the minor intends to do.

11 **3-A. Issuance of work permit.** The director or the  
12 director's agent shall issue the work permit to the minor upon  
13 verification:

14 A. Of the proper approval by the superintendent or other  
15 designated school official; and

16 B. That the employment conforms with the provisions of this  
17 subchapter.

18 The superintendent's office shall distribute the work permit to  
19 the minor. The work permit is valid only for the employer and  
20 positions listed on the permit as issued by the bureau.

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

32 **5. Permit on file.** The employer shall keep all work  
33 permits issued for the employer's minor employees on file and  
34 accessible to any attendance officer, factory inspector or other  
35 authorized officer charged with the enforcement of this  
36 subchapter.

37 **6. Exception.** This section does not apply to minors  
38 engaged in work performed in the planting, cultivating or  
39 harvesting of field crops or other agricultural employment not in  
40 direct contact with hazardous machinery or hazardous substances  
41 or to minors engaged in household work. Minors who are  
42 participants in summer youth employment and training programs  
43 funded by the Department of Labor are exempt from obtaining  
44 individual permits as long as the program employing the minor has  
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submitted a master permit as developed by the director under section 777.

Sec. 2. 26 MRSA §777, as amended by PL 1993, c. 527, §2, is further amended to read:

**§777. Blanks furnished; filing of triplicate permits; surrender and cancellation of permits**

The blank work permit required by section 775 must be formulated by the director and furnished by the director to the persons authorized to issue sign work permits. The forms of the permits must be approved by the Attorney General. Every work permit must be made out in triplicate. All triplicates, accompanied by the original papers on which the permits were issued signed, must be forwarded to the bureau by the officer issuing signing the permits, within 24 hours of the time the permit was issued signed. The bureau shall examine the papers and promptly return them to the officer who sent them after validating the copies and retaining one copy for bureau files. The officer may then return to the minor all papers filed in proof of age. Whenever there is reason to believe that a work permit was improperly issued signed, the director, deputy director or agent shall notify the local superintendent of schools of the place in which the certificate was issued signed. The local superintendent shall cancel the permit when directed to do so by the director. The director may develop an electronic transmittal system to fulfill these requirements.

The director shall develop a master permit system for participants in summer youth employment and training programs funded by the Department of Labor. The master permit eliminates the need for prior approval by the director or the superintendent of schools. A minor on a master permit may be removed from the master permit for the same reasons and in the same manner as applicable to an individual work permit.

**SUMMARY**

This bill clarifies that a work permit is effective when approved and issued by the Department of Labor, Bureau of Labor Standards.

This bill also clarifies that the permit is in force only for the specific employer listed on the permit.

This bill also allows the Bureau of Labor Standards to adopt an electronic transmittal system to speed up the work permit process.