

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1247

H.P. 865

House of Representatives, March 10, 2005

### An Act To Modify Labor Laws with Regard to Minor Workers

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative THOMPSON of China.  
Cosponsored by Senator COWGER of Kennebec and  
Representatives: BROWNE of Vassalboro, FLETCHER of Winslow, JACKSON of Fort Kent,  
MOODY of Manchester, PERCY of Phippsburg, PIOTTI of Unity.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 26 MRSA §702**, as amended by PL 2001, c. 242, §3, is  
5 further amended to read:

6 **§702. Record of work hours of minors under 18 years of age**

7  
8 Every employer shall keep a time book or record for every  
9 minor under 18 years of age employed in any occupation, except  
10 the planting, cultivating or harvesting of field crops or other  
11 agricultural employment not in direct contact with hazardous  
12 machinery or hazardous substances, or household work, stating the  
13 number of hours worked by each minor under 18 years of age on  
14 each day of the week. The time book or record must identify the  
15 minor and the employer and list a contact number for the  
16 employer. The time book or record must be open at all reasonable  
17 hours to the inspection of the director, a director's deputy or  
18 any authorized agent of the bureau and a copy of the time book or  
19 record must be sent on a monthly basis to the guidance office of  
20 the secondary school attended by the minor in a format acceptable  
21 to the secondary school. Any employer who fails to keep the  
22 record required by this section or makes any false entry to the  
23 record, or refuses to exhibit the time book or record or makes  
24 any false statement to the director, a director's deputy or any  
25 authorized agent of the bureau in reply to any question in  
26 carrying out section 42-B and this section is liable for a  
27 violation of this section and section 42-B.

28  
29 **Sec. 2. 26 MRSA §774, sub-§1, ¶¶B, D and F**, as amended by PL  
30 2003, c. 53, §1, are further amended to read:

31  
32 B. More than ~~20~~ 35 hours in any week when the minor's  
33 school is in session as long as the minor maintains an  
34 overall grade average of at least a C or an equivalent grade  
35 and has no average grade for any class below a C- or an  
36 equivalent grade, except that the minor may work up to 8  
37 hours on each day that an authorized school closure occurs  
38 in that minor's school up to a total of ~~28~~ 35 hours in that  
39 week. In addition, the maximum weekly hours a minor may  
40 work is 50 hours during any week that the approved school  
41 calendar for the minor's school is less than 3 days or  
42 during the first or last week of the school calendar,  
43 regardless of how many days the minor's school is in session  
44 for the week. If requested, a school must provide  
45 verification of its closings to the minor's employer or the  
46 Department of Labor;

47  
48 D. More than ~~4-~~ 5 hours in any day when the minor's school  
49 is in session as long as the minor maintains an overall  
50 grade average of at least a C or an equivalent grade and has

2 no average grade for any class below a C- or an equivalent  
3 grade, except that the minor may work up to 8 hours on the  
4 last scheduled day of the school week;

5 F. After ~~10~~ 11:30 p.m. on a day preceding a day on which  
6 the minor's school is in session or after ~~12~~ midnight on a  
7 day that does not precede such a school day; or

8  
9 **Sec. 3. 26 MRSA §774, sub-§3**, as amended by PL 1991, c. 713,  
10 §2, is further amended to read:

11 **3. Employment during hours school in session.** A minor  
12 under 17 years of age may not be employed during the hours that  
13 the public schools of the town or city in which the minor resides  
14 are in session.

15 A. This subsection does not apply to:

16  
17 (1) A minor who has been excused from attendance by  
18 school officials in accordance with Title 20-A, section  
19 5001-A, subsection 2 or subsection 3, except that a  
20 minor who has been excused in accordance with  
21 subsection 3 may not be employed during the hours that  
22 the minor's school or approved home instruction program  
23 is in session;

24  
25 (2) A student in an alternative education plan that  
26 includes a work experience component;

27  
28 (3) A student in an approved vocational cooperative  
29 education program; or

30  
31 (4) A student who is granted permission for an early  
32 school release by the school principal.

33  
34 The hours worked by a student in an alternative education plan  
35 ~~or in an approved vocational cooperative education program~~ may  
36 not be included in determining the student's total hours of  
37 permitted employment under subsection 1 and subsection 2.

38  
39 **Sec. 4. 26 MRSA §774, sub-§7** is enacted to read:

40  
41 **7. Restricted work schedule.** A minor under 18 years of age  
42 who is enrolled in public or private secondary school who has an  
43 overall grade average below C or an equivalent grade or an  
44 average grade in any class below C- or an equivalent grade may  
45 not work more than 20 hours in any week when the minor's school  
46 is in session and may work only during the hours between 3:00  
47 p.m. and 8:00 p.m. in any day when the minor's school is in  
48 session. A public or private secondary school shall inform a  
49

2 minor whose overall grade average is below C or an equivalent  
4 grade or whose average grade in any class is below C- or an  
6 equivalent grade that the minor may work only pursuant to the  
8 provisions of this subsection. A minor who is placed in the  
10 restricted work schedule pursuant to this subsection may return  
12 to work pursuant to the provisions of subsection 1 only if the  
14 minor's overall grade average rises to at least a C or an  
16 equivalent grade and the minor's average grade for every class  
18 rises to at least a C- or an equivalent grade as determined by 2  
20 bi-weekly checks by the administrators of the school of the minor.

## 12 SUMMARY

14 This bill raises the maximum number of hours a 16-year-old  
16 or 17-year-old may work during a school week from 20 hours to 35  
18 hours and raises the number of hours a 16-year-old or 17-year-old  
20 may work during a school day from 4 hours to 5 hours. This bill  
22 limits a minor whose overall grade average is below a C or who  
24 has an average grade in any class below a C- to working no more  
26 than 20 hours during a school week and only during the hours of  
28 3:00 p.m. to 8:00 p.m. on a school day. A secondary school must  
30 notify every student whose work schedule is limited under this  
32 provision and must notify the student. A minor may return to  
34 normal working conditions if the school administrator determines  
the minor's overall grade average has risen to at least a C and  
that no average grade for any class is below C-. Current law  
requires employers of minors under 18 years of age to keep a time  
book or record on every minor working for the employer. This  
bill requires the employer to send a copy of this time book to  
the minor's secondary school on a monthly basis. This bill also  
eliminates the provision that does not count the time a minor  
works in an approved vocational cooperative education program  
towards the maximum number of hours the minor may work during a  
school day or week.