

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 516

S.P. 149

In Senate, February 15, 2011

**An Act To Amend Maine Law To Conform with Federal Law
Regarding Employment Practices for Certain Minors**

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator PLOWMAN of Penobscot.
Cosponsored by Senators: COURTNEY of York, MARTIN of Kennebec, RECTOR of Knox,
SCHNEIDER of Penobscot, Representatives: DOW of Waldoboro, VOLK of Scarborough.

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

2 **Sec. 1. 26 MRSA §774, sub-§1**, as amended by PL 2003, c. 53, §1, is repealed.

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

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

8 A. This subsection does not apply to:

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

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

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

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

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

22 **Sec. 3. 26 MRSA §774, sub-§4**, as amended by PL 2009, c. 211, Pt. B, §23, is
23 further amended to read:

24 **4. Exemptions.** Work performed in the planting, cultivating or harvesting of field
25 crops or other agricultural employment, including the initial processing of farm crops, not
26 in direct contact with hazardous machinery or hazardous substances, work performed as
27 an employed or in-training theatrical actor or film actor or work performed as a summer
28 camp employee in a youth camp licensed under Title 22, section 2495 is exempt from this
29 section, ~~provided as long as~~ a minor under 16 years of age has been excused by the local
30 superintendent of schools in accordance with the policy established by the Commissioner
31 of Education and the Director of the Bureau of Labor Standards. ~~Work performed in the~~
32 ~~taking or catching of lobsters, fish or other marine organisms by any methods or means,~~
33 ~~or in the operating of ferries or excursion boats, is exempt from subsection 1, paragraphs~~
34 ~~A and C.~~

35 **Sec. 4. 26 MRSA §781, sub-§1-A**, as corrected by RR 2001, c. 1, §39, is
36 repealed.

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SUMMARY

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This bill repeals the limiting of hours minors 16 years of age may work while school is not in session. It repeals all limitations on the hours a minor 17 years of age may work.

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It also conforms Maine law to federal law.

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