

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1346

H.P. 987

House of Representatives, March 29, 2011

An Act To Enhance Access to the Workplace for Minors

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BURNS of Whiting.
Cosponsored by Senator MASON of Androscoggin and
Representatives: BICKFORD of Auburn, DAVIS of Sangerville, ESPLING of New
Gloucester, KNAPP of Gorham, SANDERSON of Chelsea, TILTON of Harrington.

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

2 **Sec. 1. 26 MRSA §673** is enacted to read:

3 **§673. Minimum wage; trainees and students**

4 Notwithstanding the provisions of section 664, for an employee who is under 20
5 years of age who is a secondary student as defined in Title 20-A, section 1, subsection 33
6 or a trainee, the minimum hourly wage is \$5.25 per hour for the first 180 days of that
7 employee's employment.

8 **Sec. 2. 26 MRSA §774**, as amended by PL 2009, c. 211, Pt. B, §23, is further
9 amended to read:

10 **§774. Hours of employment**

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

13 ~~A. More than 50 hours in any week when the minor's school is not in session;~~

14 ~~B. More than 20 hours in any week when the minor's school is in session, except that~~
15 ~~the minor may work up to 8 hours on each day that an authorized school closure~~
16 ~~occurs in that minor's school up to a total of 28 hours in that week. In addition, the~~
17 ~~maximum weekly hours a minor may work is 50 hours during any week that the~~
18 ~~approved school calendar for the minor's school is less than 3 days or during the first~~
19 ~~or last week of the school calendar, regardless of how many days the minor's school~~
20 ~~is in session for the week. If requested, a school must provide verification of its~~
21 ~~closings to the minor's employer or the Department of Labor;~~

22 ~~C. More than 10 hours in any day when the minor's school is not in session;~~

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

25 E. More than 6 consecutive days;

26 F. After 10 p.m. on a day preceding a day on which the minor's school is in session
27 or after 12 midnight on a day that does not precede such a school day; or

28 G. Before 7 a.m. on a day on which the minor's school is in session or before 5 a.m.
29 on any other day.

30 **2. Minors under 16 years of age.** A minor under 16 years of age may not be
31 employed as follows:

32 A. More than 40 hours in any week when school is not in session;

33 B. More than 18 hours in any week when school is in session;

34 C. More than 8 hours in any day when school is not in session;

35 D. More than ~~3~~ 4 hours in any day when school is in session;

36 E. More than 6 consecutive days; or

1 F. Between the hours of 7 p.m. and 7 a.m. except during summer vacation, when that
2 minor may not work between the hours of 9 p.m. and 7 a.m.

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

6 A. This subsection does not apply to:

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

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

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

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

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

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

34 **5. Application.** This section does not apply to a person who holds a high school
35 diploma or a high school equivalency certificate issued pursuant to Title 20-A, section
36 257 or to a minor emancipated pursuant to Title 15, section 3506-A.

37 **6. In session.** School is considered in session if the students are required to be in
38 attendance by the school board pursuant to Title 20-A, chapter 211.

39 **Sec. 3. 26 MRSA §775, sub-§1,** as amended by PL 2001, c. 398, Pt. A, §1, is
40 further amended to read:

