

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 431

S.P. 163

In Senate, February 14, 2013

**An Act To Amend the Laws Governing the Work Permit Process for
Minors and To Conform the Laws Governing Allowable Places of
Work for Minors to Federal Law**

(EMERGENCY)

Submitted by the Department of Labor pursuant to Joint Rule 204.
Reference to the Committee on Labor, Commerce, Research and Economic Development
suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.
Cosponsored by Representative VOLK of Scarborough and
Representatives: BENNETT of Kennebunk, MALABY of Hancock, TURNER of Burlington.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the last day of school occurs during the month of June each year; and

4 **Whereas,** the purpose of this legislation is to expedite the process for minors to
5 obtain their work permits during the summer months; and

6 **Whereas,** the summer of 2013 will be over before nonemergency legislation takes
7 effect; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore,

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

13 **Sec. 1. 26 MRSA §773, first ¶,** as amended by PL 2001, c. 43, §1, is further
14 amended to read:

15 A minor under 16 years of age may not be employed, permitted or suffered to work
16 in, about or in connection with any manufacturing or mechanical establishment, hotel,
17 rooming house, laundry, except those commonly known as automatic laundries, dry
18 cleaning establishments establishment, bakery, ~~bowling alley~~, poolroom, ~~or~~ commercial
19 ~~places~~ place of amusement, including ~~a~~ traveling ~~shows and circuses~~ show or circus, or in
20 ~~any theater or moving picture house or in~~ conjunction with an amusement, game or show
21 that allows or conducts betting. ~~The provisions of this section pertaining to theaters do~~
22 ~~not apply to minors under 16 years of age who are employed or in training as theatrical~~
23 ~~actors or film actors. This section does not prohibit a minor under 16 years of age from~~
24 ~~performing work for a nonprofit organization that preserves film and other moving~~
25 ~~images and provides education and research opportunities for the public or for a theater~~
26 ~~that is operated by such an organization as an integral part of its mission.~~

27 **Sec. 2. 26 MRSA §775,** as amended by PL 2011, c. 614, §21, is further amended
28 to read:

29 **§775. Work permits**

30 **1. Work permit authority.** A minor under 16 years of age may not be employed
31 without a work permit. When school is in session the work permit must be signed by the
32 superintendent of schools of the school administrative unit in which the minor resides and
33 issued to the minor by the bureau. The superintendent may designate a school official to
34 sign a work permit and that official is directly responsible to the superintendent for this
35 activity. When school is not in session during summer break, the minor is not required to
36 obtain a work permit signed by the superintendent of schools and may obtain the work
37 permit from the bureau directly with proper evidence of proof of age.

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

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

9 ~~B. If school is not in session, the minor must furnish to the superintendent a~~
10 ~~certificate signed by the principal of the school last attended showing that the minor~~
11 ~~has satisfactorily completed kindergarten to grade 8 in the public schools or their~~
12 ~~equivalent. If the certificate can not be obtained, the superintendent shall examine~~
13 ~~the minor to determine whether the minor meets these educational standards;~~

14 C. If the minor has been granted an exception to compulsory education under Title
15 20-A, section 5001-A, subsection 2, the minor must only submit proof of age as
16 provided in subsection 3; or

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

20 **3. Proof of age.** The superintendent may ~~issue sign and the bureau may issue~~ a
21 permit only ~~upon~~ after receiving and examining satisfactory evidence of the minor's age.
22 Satisfactory evidence consists of a certified copy of the minor's birth certificate or
23 baptismal record, a passport showing the date of birth or other documentary evidence of
24 age satisfactory to the superintendent and ~~approved by the director~~. ~~The superintendent~~
25 ~~may require, in doubtful cases, a certificate signed by a physician appointed by the school~~
26 ~~board, stating that the minor has been examined and, in that physician's opinion, has~~
27 ~~reached the normal development of a minor of the same age and is in sufficiently sound~~
28 ~~health and physically able to perform the work the minor intends to do.~~

29 **3-A. Issuance of work permit.** The director or the director's agent shall issue the
30 work permit to the minor upon verification:

31 A. Of the proper approval by the superintendent or other designated school official
32 when school is in session; and

33 B. That the employment conforms with the provisions of this subchapter.

34 The superintendent's office shall distribute the work permit to the minor when school is in
35 session. The work permit is valid only for the employer and positions listed on the permit
36 as issued by the bureau. When school is not in session during the summer break, the
37 bureau shall issue the work permit directly to the minor.

38 **4. Conditions for revocation.** The superintendent ~~or bureau~~ may revoke the work
39 permit ~~issued to a minor by the bureau if the superintendent determines if it is determined~~
40 that the minor has not maintained the conditions for issuance of the work permit under
41 subsection 2, paragraph A. ~~The superintendent shall revoke 2nd work permits at the end~~
42 ~~of the summer vacation in accordance with the limits imposed by subsection 2, paragraph~~

