

MAINE STATE LEGISLATURE

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SM
R.D.S.

Date: 6/12/2017 Minority

(Filing No. S-251)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 548, L.D. 1564, Bill, "An Act To Conform State Law to Federal Law While Promoting Safe Working Environments for Minors"

Amend the bill in section 2 in subsection 2 in the last line (page 1, line 31 in L.D.) by inserting after the following: "558-C" the following: 'and in establishments that cultivate, produce or sell marijuana or products in which marijuana is an ingredient or in recreational marijuana social clubs authorized under Title 7, chapter 417'

Amend the bill by striking out all of section 4 and inserting the following:

'Sec. 4. 26 MRSA §773-A is enacted to read:

§773-A. Occupations

1. Minors under 16 years of age. A minor under 16 years of age may not be employed, permitted or suffered to work in, about or in connection with any manufacturing or mechanical establishment, hotel, rooming house, laundry, except a laundry commonly known as an automatic laundry, dry cleaning establishment, bakery, poolroom or commercial place of amusement, including a traveling show or circus, or in conjunction with an amusement, game or show that allows or conducts betting.

2. Minors 14 and 15 years of age. The provisions of subsection 1 pertaining to manufacturing establishments do not apply to minors 14 years of age or older and under 16 years of age who are employed in retail establishments where any frozen dairy product or frozen dairy product mix or related food product is produced on the premises for retail sale locally, regardless of trade name or brand or coined name.

The provisions of subsection 1 pertaining to hotels or rooming houses do not apply to minors 14 years of age or older and under 16 years of age who are employed in outdoor occupations on the grounds of a hotel or who are employed in kitchens, dining rooms, recreational areas, lobbies and offices of a hotel. Minors 14 years of age or older and under 16 years of age are expressly prohibited from performing room service, housekeeping and making deliveries to guest rooms.

COMMITTEE AMENDMENT

1 The provisions of subsection 1 pertaining to bakeries do not apply to minors 14 years of
2 age or older and under 16 years of age who are employed in retail sales, product
3 decorating, customer service operations or office work for these establishments, as long
4 as the retail, decorating, customer service or office areas are in a room separate from any
5 baking operation.

6 Notwithstanding other provisions of subsection 1, a minor 14 years of age or older and
7 under 16 years of age may be employed at a commercial place of amusement operating at
8 a permanent location, except that the minor may not be employed at games of chance as
9 defined in Title 17, chapter 62 or hazardous occupations as determined by the director.

10 Subsection 1 does not apply to any minor under 16 years of age employed in a business
11 solely owned by the minor's parents. A parent is prohibited from employing the parent's
12 minor child in occupations declared hazardous by the director pursuant to section 772 and
13 in accordance with 29 Code of Federal Regulations, Part 570.

14 A minor 14 years of age or older and under 16 years of age may not be employed when
15 the distance between the workplace and the home of the minor, or any other factor,
16 necessitates the minor's remaining away from home overnight.

17 3. Minors 16 and 17 years of age. A minor who is 16 years of age or older and
18 under 18 years of age:

19 A. May perform work in both nonagricultural and agricultural employment not in
20 direct contact with hazardous machinery or hazardous substances in accordance with
21 rules adopted pursuant to section 772 and in accordance with 29 Code of Federal
22 Regulations, Part 570;

23 B. May perform work as a theatrical actor or film actor;

24 C. May be employed by a parent, but a parent is prohibited from employing the
25 parent's minor child who is 16 years of age or older and under 18 years of age in
26 occupations declared hazardous by the director in accordance with rules adopted
27 pursuant to section 772 and in accordance with 29 Code of Federal Regulations, Part
28 570;

29 D. Is exempt from section 774, subsection 1, paragraphs A and C when performing
30 work in the taking or catching of lobsters, fish or other marine organisms; and

31 E. Who has graduated from a vocational, career and technical or cooperative
32 education program approved by the Department of Education and is hired by an
33 employer to work in an occupation for which the minor has been trained and certified
34 by the vocational program may work for that employer in that occupation.'

35 Amend the bill by striking out all of section 6.

36 Amend the bill in section 7 in subsection 4 in the blocked paragraph in the 2nd line
37 (page 4, line 12 in L.D.) by inserting after the following: "with section" the following:
38 '771, section 772, section'

39 Amend the bill in section 10 in §777 in the first paragraph in the 3rd line (page 4, line
40 35 in L.D.) by striking out the following: "~~The forms of the permits must be approved by~~
41 ~~the Attorney General.~~" and inserting the following: 'The forms of the permits must be
42 approved by the Office of the Attorney General.'

A. of S.

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment, which is the minority report of the committee, makes the following
5 changes to the bill.

6 1. It adds establishments that cultivate, produce or sell marijuana or products in
7 which marijuana is an ingredient and recreational marijuana social clubs to the list of
8 employment and occupations not suitable for minors that the Department of Labor must
9 prohibit by rule.

10 2. It retains the provision in current law that prohibits employment of a minor 14
11 years of age or older and under 16 years of age when the distance between the workplace
12 and the home of the minor, or any other factor, necessitates the minor's remaining away
13 from home overnight.

14 3. It replaces the term "a minor 14 years of age or older and under 16" with the phrase
15 "a minor under 16" for greater consistency with the age category for which the
16 occupational restrictions apply in current law.

17 4. It adds "recreational areas" to the areas of a hotel or rooming house approved for
18 employment of minors 14 and 15 years of age, and it adds "housekeeping" to the list of
19 tasks explicitly prohibited for minors under 16 years of age.

20 5. It strikes a provision in the bill that allows an exception to the work hour
21 restrictions for minors 16 and 17 years of age when the minor is employed in a business
22 solely owned by the minor's parents.

23 6. It specifies that the exception to occupational restrictions applicable to a minor
24 who has graduated from a vocational cooperative education program applies to a
25 vocational, career and technical or cooperative education program approved by the
26 Department of Education.

27 7. It strikes a section of the bill that replaces the term "a minor under 16 years of age"
28 with "a minor 14 years of age or older and under 16 years of age" for greater consistency
29 with the age category for which the work hour restrictions apply in current law.

30 8. It adds violations of the laws regarding employment of minors under 14 years of
31 age and hazardous employment of minors under 18 years of age to the new provision in
32 the bill providing the authority for the Department of Labor, Bureau of Labor Standards
33 to revoke a work permit.

34 9. It restores a provision in current law stricken in the bill that requires approval by
35 the Attorney General of the form used by the Department of Labor for work permits for
36 minors, but amends it to refer to the Office of the Attorney General.

37 **FISCAL NOTE REQUIRED**

38 (See attached)



128th MAINE LEGISLATURE

LD 1564

LR 716(02)

An Act To Conform State Law to Federal Law While Promoting Safe Working Environments for
Minors

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-251)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Bureau of Labor Standards within the Department of Labor to implement the provisions of this legislation can be absorbed within existing budgeted resources.