

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

and methods of test and inspection to be employed in the enforcement of this chapter. The state sealer may prescribe or provide, or both, the official test and inspection forms to be used in the enforcement of this chapter; and

Sec. 2. 10 MRSA §2402, sub-§18 is enacted to read:

18. Registration of commercial motor fuel dispensers. Accept applications for the registration of motor fuel dispensers in accordance with section 2412.

Sec. 3. 10 MRSA §2412 is enacted to read:

§2412. Registration of motor fuel dispensers

It is unlawful to sell motor fuel from a commercial motor fuel dispenser without a certificate of registration.

1. Certificate of registration. The state sealer shall provide application forms and shall issue a certificate of registration upon receipt of a completed application accompanied by a fee of \$8 per dispensing nozzle. A certificate of registration expires annually on December 31st.

2. Local sealers account. The state sealer shall deposit all fees from applicants with commercial dispensers in municipalities with duly appointed local sealers into a separate, nonlapsing account, known as the local sealers account. The state sealer shall deposit all other fees received under this section into the General Fund.

3. Payment from local sealers account. Upon receiving verification from a local sealer that a registered fuel dispenser has been inspected and conforms to standards established for fuel dispensers, the state sealer shall pay to the local sealer \$8 per nozzle.

4. No additional fee. A state or local sealer may not assess a fee for periodic testing and sealing of retail motor fuel dispensers.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1992-93

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Consumer Services - Agriculture

All Other \$35,200

Provides funds to local sealers as reimbursement for fuel dispenser inspections.

Sec. 5. Effective date. This Act takes effect January 1, 1993.

Effective January 1, 1993.

CHAPTER 713

S.P. 866 - L.D. 2213

An Act to Amend Child Labor Laws

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature recently enacted legislation restricting the work hours of certain minors; and

Whereas, that legislation has made it difficult for employers to fill Friday shifts; and

Whereas, certain minors should be allowed to work additional hours on days that do not precede a scheduled school day; and

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

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

Sec. 1. 26 MRSA §774, sub-§1, ¶D, as enacted by PL 1991, c. 544, §5, is amended to read:

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

Sec. 2. 26 MRSA §774, sub-§3, ¶A, as enacted by PL 1991, c. 544, §5, is amended to read:

A. This subsection does not apply to:

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

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

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

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

Sec. 3. 26 MRSA §774, sub-§4, as corrected by RR 1991, c. 1, §34, is amended to read:

4. Exemptions. Work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances or ~~any occupation that does not offer continuous, year-round employment~~ work performed as a summer camp employee in a children's camp is exempt from this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of Education and the Director of the Bureau of Labor Standards. Work performed in the taking or catching of lobsters, fish or other marine organisms by any methods or means, or in the operating of ferries or excursion boats, is exempt from subsection 1, paragraphs A and C.

Sec. 4. 26 MRSA §774, sub-§5 is enacted to read:

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

Sec. 5. 26 MRSA §775, sub-§2, ¶¶B and C, as enacted by PL 1991, c. 544, §5, are amended to read:

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

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

Sec. 6. 26 MRSA §775, sub-§2, ¶D is enacted to read:

D. If school is in session, the superintendent may have only one work permit issued to the minor at any given time. The superintendent may issue 2

work permits to the minor for the summer vacation period.

Sec. 7. 26 MRSA §775, sub-§§4 and 6, as enacted by PL 1991, c. 544, §5, are amended to read:

4. Conditions for revocation. The superintendent may revoke the work permit issued to a minor if the superintendent determines that the minor has not maintained the conditions for issuance of the work permit under subsection 2, paragraph A. The superintendent shall revoke 2nd work permits at the end of the summer vacation in accordance with the limits imposed by subsection 2, paragraph D. The superintendent shall notify the Director of the Bureau of Labor Standards and the minor's employer in writing upon revoking a minor's work permit. The revocation is effective upon receipt by the employer of the superintendent's notice.

6. Exception. This section does not apply to minors engaged in work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances; or to minors engaged in household work or any occupation that does not offer continuous, year-round employment.

Sec. 8. Posting of notice. Notwithstanding the Maine Revised Statutes, Title 26, section 701, the Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the law resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary, due to an insufficient supply of such notices or future changes in the law, to print additional notices.

Sec. 9. Effective date. Sections 5 to 7 of this Act take effect on June 15, 1992.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective March 23, 1992, unless otherwise indicated.

CHAPTER 714

H.P. 1592 - L.D. 2246

An Act to Modify Various Licensing and Registration Laws and to Address Budgetary Constraints

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and