

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 434

H.P. 822 - L.D. 1108

An Act to Amend the Child Labor Laws

(1) If the disposition occurs one year or less after the equipment was placed into service for the first time in the State by the taxpayer or other person, 100% of any unused credit attributable to the equipment disposed of is disallowed;

(2) If the disposition of the equipment occurs more than one year but less than 2 years after the equipment was placed into service for the first time in the State by the taxpayer or other person, 75% of any unused credit attributable to the equipment disposed of is disallowed;

(3) If the disposition of the equipment occurs 2 years or more but less than 3 years after the equipment was placed into service for the first time in the State by the taxpayer or other person, 50% of any unused credit attributable to the equipment disposed of is disallowed; or

(4) If the disposition of the equipment occurs 3 years or more but less than 4 years after the equipment was placed into service for the first time in the State by the taxpayer or other person, 25% of any unused credit attributable to the equipment disposed of is disallowed.

This subsection does not apply to equipment that was acquired before October 1, 1993.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1993-94	1994-95
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Bureau of Taxation		
Positions		(0.5)
Personal Services		\$17,786
All Other	\$10,000	4,308
Capital Expenditures		5,000
TOTAL	\$10,000	\$27,094
Provides for one Revenue Agent position and associated administrative costs for 6 months to perform on-site audits each year.		

See title page for effective date.

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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 created a hardship for certain minors who should be allowed to work additional hours on days when school is not in session, including the upcoming summer vacation; 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 §664, last ¶, as amended by PL 1991, c. 544, §1, is repealed.

Sec. 2. 26 MRSA §773, first ¶ is amended to read:

No A minor under 16 years of age shall 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 those commonly known as automatic laundries, dry cleaning establishments, bakery, bowling alley, poolroom, commercial places of amusement, including traveling shows and circuses, or in any theater or moving picture house. The provisions of this section pertaining to theaters shall do not apply to minors under 16 years of age who are employed or in training as theatrical actors or film actors.

Sec. 3. 26 MRSA §774, sub-§1, as amended by PL 1991, c. 713, §1, is further amended to read:

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

A. More than ~~48~~ 50 hours in any week when school is not in session;

B. More than 20 hours in any week when school is in session, ~~except that the minor may work up to 8 hours on each day that an authorized school closure occurs up to a total of 28 hours in that week. If requested, a school must provide verification of its closings to the minor's employer or the Department of Labor;~~

C. More than ~~8~~ 10 hours in any day when school is not in session;

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;

E. More than 6 consecutive days; ~~or~~

F. ~~Between the hours of After 10 p.m. and 7 a.m. on a day preceding a school day or between the hours of after 12 a.m. and 7 a.m. midnight on a day that does not precede a school day; or~~

G. ~~Before 7 a.m. on a school day or before 5 a.m. on a day that is not a school day.~~

Sec. 4. 26 MRSA §774, sub-§2, ¶F, as enacted by PL 1991, c. 544, §5, is amended to read:

F. ~~Between the hours of 7 p.m. and 7 a.m. in any day when school is in session or except during summer vacation, when that minor may not work between the hours of 9 p.m. and 7 a.m. during summer school vacation.~~

Sec. 5. 26 MRSA §774, sub-§4, as amended by PL 1991, c. 713, §3, is further amended to read:

4. Exemptions. Work performed in the planting, cultivating or harvesting of field crops or other agricultural employment, including the initial processing of farm crops, not in direct contact with hazardous machinery or hazardous substances, work performed as an employed or in-training theatrical actor or film actor or 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. 6. 26 MRSA §785 is enacted to read:

§785. Rulemaking

The Director of the Bureau of Labor Standards may adopt rules pursuant to Title 5, chapter 375, subchapter II that are consistent with this subchapter and considered appropriate or necessary for the proper administration and enforcement of this subchapter.

Sec. 7. 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 laws 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 notices or future changes in the law, to print additional notices.

Sec. 8. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 26, section 664 takes effect on September 1, 1993.

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

Effective July 13, 1993, unless otherwise indicated.

CHAPTER 435

S.P. 405 - L.D. 1263

An Act to Amend and Improve the Laws Related to Education

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §1253, sub-§2, ¶A, as amended by PL 1983, c. 422, §2, is further amended to read:

A. Under ~~Methods~~ Method A and B:

(1) Within 60 days, but no earlier than 45 days after notification by the board of directors of the approval or reapportionment plan, the municipal officers shall call a special election to elect directors to serve under the plan for the school administrative district;