

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

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

Effective June 13, 2001.

CHAPTER 397

H.P. 1249 - L.D. 1697

An Act to Enhance the Safety and Health of Students in Public School Facilities

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

Sec. 1. 26 MRSA §565-B is enacted to read:

§565-B. Safety and health of students in public educational facilities

The board shall formulate and adopt reasonable rules to ensure safe and healthful conditions for students in public educational facilities. The rules must address safety and health hazards created by the use of or exposure to equipment or material or the exposure to other conditions within the educational facility that minors would be prohibited from using or being exposed to in a work environment. The rules may include, but are not limited to, regulations of equipment, material and conditions found in vocational or technical education, scientific laboratories and shop class.

The bureau shall enforce rules adopted under this section. The bureau may provide the same technical assistance to the governing boards of public educational facilities as it provides to employers pursuant to section 42-A and any other provision of this Title. Public educational facilities are subject to the same rights of access and the governing boards of such facilities are subject to the same penalties as employers pursuant to chapter 3.

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 398

S.P. 550 - L.D. 1708

An Act to Streamline the Administration and Enforcement of the Work Permit Provisions of Child Labor Laws and to Enhance the Use of the Occupational Safety Loan Fund

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

PART A

Sec. A-1. 26 MRSA §775, as amended by PL 1993, c. 527, §1, is further amended to read:

§775. Work permits

1. Work permit authority. A minor under 16 years of age may not be employed without a work permit ~~issued to the minor~~ signed by the superintendent of schools of the school administrative unit in which the minor resides ~~and issued to the minor by the bureau~~. The superintendent may designate a school official to ~~issue~~ sign a work permit and that official is directly responsible to the superintendent for this activity.

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

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

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;

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

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

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

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

A. Of the proper approval by the superintendent or other designated school official; and

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

The superintendent's office shall distribute the work permit to the minor. The work permit is valid only for the employer and positions listed on the permit as issued by the bureau.

4. Conditions for revocation. The superintendent may revoke the work permit issued to a minor by the bureau 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.

5. Permit on file. The employer shall keep all work permits issued for the employer's minor employees on file and accessible to any attendance officer, factory inspector or other authorized officer charged with the enforcement of this subchapter.

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. Minors who are participants in summer youth employment and training programs funded by the Department of Labor are exempt from obtaining individual permits as long as the program employing the minor has submitted a master permit as developed by the director under section 777.

Sec. A-2. 26 MRSA §777, as amended by PL 1993, c. 527, §2, is further amended to read:

§777. Blanks furnished; filing of triplicate permits; surrender and cancellation of permits

The blank work permit required by section 775 must be formulated by the director and furnished by the director to the persons authorized to ~~issue~~ sign work permits. The forms of the permits must be approved by the Attorney General. Every work permit must be made out in triplicate. All triplicates, accompanied by the original papers on which the permits were ~~issued~~ signed, must be forwarded to the bureau by the officer ~~issuing~~ signing the permits, within 24 hours of the time the permit was ~~issued~~ signed. The bureau shall examine the papers and promptly return them to the officer who sent them after validating the copies and retaining one copy for bureau files. The officer may then return to the minor all papers filed in proof of age. Whenever there is reason to believe that a work permit was improperly ~~issued~~ signed, the director, deputy director or agent shall notify the local superintendent of schools of the place in which the certificate was ~~issued~~ signed. The local superintendent shall cancel the permit when directed to do so by the director. The director may develop an electronic transmittal system to fulfill these requirements.

The director shall develop a master permit system for participants in summer youth employment and training programs funded by the Department of Labor. The master permit eliminates the need for prior approval by the director or the superintendent of schools. A minor on a master permit may be removed from the master permit for the same reasons and in the same manner as applicable to an individual work permit.

PART B

Sec. B-1. 26 MRSA §62, sub-§1, as amended by PL 1991, c. 9, Pt. HH, is further amended to read:

1. Establishment of fund. There is established in the State Treasury a special fund known as the Occupational Safety Loan Fund, ~~for the sole purpose~~ purposes of making loans and grants in accordance with section 63, and of providing funds for the

administration of that section. The loan fund must be administered by the commissioner. The department has authority over the loan fund and may do all things necessary or convenient in the administration of the loan fund and shall formulate and adopt rules pursuant to ~~the Maine Administrative Procedure Act, Title 5, chapter 375 governing the administration, maintenance, loan disbursements and, loan repayments,~~ making of grants and collections of the loan fund, and perform all other functions ~~which that~~ the laws of this State specifically authorize or ~~which that~~ are necessary or appropriate. All money and securities in the loan fund must be held in trust by the Treasurer of State for the purposes of the loan program established and grants authorized under section 63 and may not be money or property for the general use of the State, except that during the fiscal year ending June 30, 1991, the State may transfer up to \$400,000 to the undedicated General Fund revenues. The Treasurer of State shall invest the money of the fund in accordance with law. The fund does not lapse.

Sec. B-2. 26 MRSA §62, sub-§2, as enacted by PL 1985, c. 372, Pt. A, §7, is amended to read:

2. Loans and grants from fund. The loan fund may make loans and grants in accordance with section 63.

Sec. B-3. 26 MRSA §63, first ¶, as enacted by PL 1985, c. 372, Pt. A, §7, is amended to read:

The department may administer a statewide program to make low interest loans and to make grants to improve safety and promote healthful working conditions in factories, workshops and workplaces in this State. This program ~~shall be~~ is known as the Occupational Safety Loan Program.

Sec. B-4. 26 MRSA §63, sub-§2-A, as amended by PL 1991, c. 93, §4, is further amended to read:

2-A. Commission on Safety and Health in the Maine Workplace. The Commission on Safety and Health in the Maine Workplace shall review loan and grant proposals under this section. The commission shall meet at least twice yearly for this purpose in Augusta or any other place designated by the chair.

Sec. B-5. 26 MRSA §63, sub-§2-B is enacted to read:

2-B. Grant program. The department may issue grants to employers or to training or other service providers for services to assist employers in providing a safe and healthful workplace. The total of grants in any fiscal year may not exceed the total revenue from interest payments and returns on investments credited to the Occupational Safety Loan Fund in the previous fiscal year.

Sec. B-6. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

	2001-02	2002-03
LABOR, DEPARTMENT OF		
Occupational Safety Loan Fund		
All Other	\$30,000	\$30,000
Provides for the allocation of funds for safety and health grants to eligible recipients.		

See title page for effective date.

CHAPTER 399

H.P. 1260 - L.D. 1695

An Act to Clarify, Enhance and Strengthen the Animal Welfare Laws of Maine

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

Whereas, an active Animal Welfare Advisory Council is vital to the functioning of the animal welfare laws and rules; and

Whereas, the Commissioner of Agriculture, Food and Rural Resources is seeking the assistance of the council in making revisions to the animal welfare laws and rules; 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. 5 MRSA §12004-I, sub-§2-C, as enacted by PL 1991, c. 779, §2, is amended to read:

2-C. Agriculture	Animal Welfare Advisory-Committee Council	Expenses Only	7 MRSA §3906-C
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Sec. 2. 7 MRSA §3906-B, sub-§15, as enacted by PL 1995, c. 502, Pt. C, §12, is amended to read: