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## **An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law**

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

**Whereas,** the last day of school occurs during the month of June each year for most secondary schools; and

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

**Whereas,** it will be well into the summer of 2014 before nonemergency legislation takes effect; 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 §773, first ¶,** as amended by PL 2001, c. 43, §1, is further amended to read:

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 those commonly known as automatic laundries~~ a coin-operated laundromat, dry cleaning establishments~~establishment~~, bakery, ~~bowling alley, poolroom, or~~ commercial places ~~place~~ of amusement, including a traveling shows ~~and circuses~~ show or circus, or in any theater or moving picture house or in conjunction with an amusement, game or show that allows or conducts betting. ~~The provisions of this section pertaining to theaters do not apply to minors under 16 years of age who are employed or in training as theatrical actors or film actors. This section does not prohibit a minor under 16 years of age from performing work for a nonprofit organization that preserves film and other moving images and provides education and research opportunities for the public or for a theater that is operated by such an organization as an integral part of its mission.~~

**Sec. 2. 26 MRSA §775,** as amended by PL 2011, c. 614, §21, 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 signed by the superintendent of schools of the school administrative unit in which the minor resides and issued to the minor by the bureau. When school is in session, the superintendent of schools of the school administrative unit in which the minor resides shall certify to the bureau the minor's information and forward the application for a work permit to the bureau for its approval. The superintendent may

designate a school official to ~~sign a work permit~~certify the minor's information and forward it to the bureau, and that official is directly responsible to the superintendent for this activity. When school is not in session, the minor may obtain a work permit directly from the bureau.

**2. Conditions for certification.** The superintendent shall ~~sign a permit~~certify and forward to the bureau the minor's information and application 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 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~~certify to the bureau the minor's information and forward the application for only one work permit for the minor at any given time. The superintendent may sign forward to the bureau 2 applications for work permits for the minor for the summer vacation period.

**3. Proof of age.** The superintendent may certify the minor's information or, if the minor is seeking a permit directly from the bureau, the bureau may issue 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~~certification by the superintendent or other designated school official if school is in session or, when school is not in session, of satisfactory evidence of the minor's age pursuant to subsection 3; and

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

The superintendent's office shall distribute the work permit to the minor when school is in session. The work permit is valid only for the employer and positions listed on the permit as issued by the bureau. When school is not in session, the bureau shall issue the work permit directly to the minor and provide a copy to the superintendent of schools of the school administrative unit in which the minor resides.

**4. Conditions for revocation.** The superintendent or the bureau may revoke the work permit issued to a minor ~~by the bureau~~ if the superintendent or the bureau 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~~If the superintendent revokes the work permit, the superintendent shall notify the Director of the Bureau of Labor Standards~~director~~ and the minor's employer in writing ~~upon revoking a minor's work permit. If the bureau revokes the work permit, the bureau shall notify the superintendent and the minor's employer in writing.~~ 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. 3. 26 MRSA §777**, as amended by PL 2001, c. 398, Pt. A, §2, is repealed.

**Sec. 4. 26 MRSA §780**, as amended by PL 1991, c. 544, §9, is further amended to read:

### **§ 780. Work permit conclusive for employer; documentary evidence of age**

A work permit in regular form ~~signed~~issued by a ~~duly authorized officer~~the bureau, for all minors under 16 years of age, is conclusive evidence of age and educational attainment, in behalf of the employer of any minor, upon any prosecution for violation of the law relating to the employment of minors. An inspector of factories, attendance officer or other officer charged with the enforcement of this subchapter may make demand on any employer in or about whose place or establishment a minor apparently under the age of 16 years is employed, permitted or suffered to work, that such employer shall either furnish the inspector within 10 days documentary evidence of age as specified in section 775, or shall cease to employ, permit or suffer such minor to work in such place or establishment.

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

## **SUMMARY**

Current law requires that a minor start the work permitting process through the superintendent of schools of the school administrative unit in which the minor resides regardless of whether school is in session. This bill would allow a minor less than 16 years of age to obtain a work permit directly from the Department of Labor, Bureau of Labor Standards when school is not in session. The bill clarifies the roles and responsibilities of the superintendent of the school administrative unit and of the bureau as they relate to the work permitting process. The bill specifies that the bureau may issue a permit for a student who is attending summer school only after receiving certification from the superintendent that the student is enrolled in summer school, not truant, not under suspension and passing a majority of courses during the current grading period. The bill specifies that when school is not in session the bureau may issue a permit for a student only after receiving satisfactory evidence of the minor's age. The bill also authorizes the bureau to revoke a permit when there is reason to believe the permit should be revoked. Finally, the bill allows a minor less than 16 years of age to work in a bowling alley or theater, which conforms to federal law, and repeals the language dealing with triplicate permits and a master permit system.