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An Act To Amend the Laws Governing the Work Permit Process for Minors and To Conform the Laws Governing Allowable Places of Work for Minors 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; and

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

Whereas, the summer of 2013 will be over 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, 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. When school is in session the work permit must be 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 sign a work permit and that official is directly

responsible to the superintendent for this activity. When school is not in session during summer break, the minor is not required to obtain a work permit signed by the superintendent of schools and may obtain the work permit from the bureau directly with proper evidence of proof of age.

2. Conditions for signature. The superintendent shall 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 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 for the minor at any given time. The superintendent may sign 2 work permits for the minor for the summer vacation period.~~

3. Proof of age. The superintendent may ~~issue~~sign and the bureau may ~~issue~~ a permit only ~~upon~~after 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 when school is in session; 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 during the summer break, the bureau shall issue the work permit directly to the minor.

4. Conditions for revocation. The superintendent or bureau may revoke the work permit issued to a minor by the bureau if the superintendent ~~determines~~ if it is determined 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~~ director 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. 3. 26 MRSA §777, as amended by PL 2001, c. 398, Pt. A, §2, is repealed.

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

SUMMARY

This bill allows a minor under 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 during summer break. Current law requires the minor to obtain the permit through a school superintendent regardless of whether school is in session. The bill also allows a minor under 16 years of age to work in a bowling alley or theater, which conforms with federal law. Finally, the bill repeals an obsolete section of law that deals with triplicate permits and a master permit system.