

§774. Hours of employment

1. Minors 16 and 17 years of age. A minor 16 years of age or older and under 18 years of age, enrolled in school, may not be employed as follows:

A. More than 50 hours in any week when the minor's school is not in session; [PL 2003, c. 53, §1 (AMD).]

B. More than 24 hours in any week when the minor's school is in session. In addition, the maximum weekly hours a minor may work is 50 hours during any week that the approved school calendar for the minor's school is less than 3 days or during the first or last week of the school calendar, regardless of how many days the minor's school is in session for the week. If requested, a school must provide verification of its closings to the minor's employer or the Department of Labor; [PL 2011, c. 174, §1 (AMD).]

C. More than 10 hours in any day when the minor's school is not in session; [PL 2003, c. 53, §1 (AMD).]

D. More than 6 hours in any day when the minor's school is in session, except that the minor may work up to 8 hours on the last scheduled day of the school week; [PL 2011, c. 174, §2 (AMD).]

E. More than 6 consecutive days; [PL 1993, c. 434, §3 (AMD).]

F. After 10:15 p.m. on a day preceding a day on which the minor's school is in session or after 12 midnight on a day that does not precede such a school day; or [PL 2011, c. 174, §3 (AMD).]

G. Before 7 a.m. on a day on which the minor's school is in session or before 5 a.m. on any other day. [PL 2003, c. 53, §1 (AMD).]

[PL 2017, c. 286, §5 (AMD).]

2. Minors under 16 years of age. A minor under 16 years of age may not be employed as follows:

A. More than 40 hours in any week when school is not in session; [PL 1991, c. 544, §5 (NEW).]

B. More than 18 hours in any week when school is in session; [PL 1991, c. 544, §5 (NEW).]

C. More than 8 hours in any day when school is not in session; [PL 1991, c. 544, §5 (NEW).]

D. More than 3 hours in any day when school is in session; [PL 1991, c. 544, §5 (NEW).]

E. More than 6 consecutive days; or [PL 1991, c. 544, §5 (NEW).]

F. Between the hours of 7 p.m. and 7 a.m. except during summer vacation, when that minor may not work between the hours of 9 p.m. and 7 a.m. [PL 1993, c. 434, §4 (AMD).]

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3. Employment during hours school in session. A minor under 17 years of age may not be employed during the hours that the public schools of the town or city in which the minor resides are in session.

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. [PL 1991, c. 713, §2 (AMD).]

The hours worked by a student in an alternative education plan or in an approved vocational cooperative education program may not be included in determining the student's total hours of permitted employment under subsection 1 and subsection 2.

[PL 1991, c. 713, §2 (AMD).]

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 youth camp licensed under Title 22, section 2495 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.

[PL 2009, c. 211, Pt. B, §23 (AMD).]

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.

[PL 1991, c. 713, §4 (NEW).]

6. In session. School is considered in session if the students are required to be in attendance by the school board pursuant to Title 20-A, chapter 211.

[PL 1997, c. 131, §2 (NEW).]

7. Record of work hours of minors. Every employer shall keep a time book or record for every minor employed in any occupation, except household work or the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, stating the number of hours worked by each minor on each day of the week. The time book or record must be open at all reasonable hours to the inspection of the director, a deputy of the director or any authorized agent of the bureau. An employer who fails to keep the time book or record required by this subsection or who makes any false entry to the time book or record, refuses to exhibit the time book or record or makes any false statement to the director, a deputy of the director or any authorized agent of the bureau in reply to any question in carrying out this section is liable for a violation of this section and is subject to penalties specified in section 781.

[PL 2017, c. 219, §18 (NEW).]

SECTION HISTORY

PL 1971, c. 620, §13 (AMD). PL 1973, c. 571, §59 (AMD). PL 1975, c. 59, §3 (AMD). PL 1979, c. 468, §3 (AMD). PL 1981, c. 310 (AMD). PL 1989, c. 700, §A102 (AMD). RR 1991, c. 1, §34 (COR). PL 1991, c. 544, §5 (RPR). PL 1991, c. 713, §§1-4 (AMD). PL 1993, c. 434, §§3-5 (AMD). PL 1997, c. 131, §§1,2 (AMD). PL 2003, c. 53, §1 (AMD). PL 2009, c. 211, Pt. B, §23 (AMD). PL 2011, c. 174, §§1-3 (AMD). PL 2017, c. 219, §18 (AMD). PL 2017, c. 286, §5 (AMD).

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