

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Amend Maine Law To Conform with Federal Law Regarding Employment Practices for Certain Minors**

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

**Sec. 1. 26 MRSA §774, sub-§1**, as amended by PL 2003, c. 53, §1, is repealed.

**Sec. 2. 26 MRSA §774, sub-§3**, as amended by PL 1991, c. 713, §2, is further amended to read:

**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.

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.~~

**Sec. 3. 26 MRSA §774, sub-§4**, as amended by PL 2009, c. 211, Pt. B, §23, 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 youth camp licensed under Title 22, section 2495 is exempt from this section, ~~provided as long as~~ provided as long as 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. 4. 26 MRSA §781, sub-§1-A,** as corrected by RR 2001, c. 1, §39, is repealed.

### **SUMMARY**

This bill repeals the limiting of hours minors 16 years of age may work while school is not in session. It repeals all limitations on the hours a minor 17 years of age may work. It also conforms Maine law to federal law.