

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 Enhance Access to the Workplace for Minors

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

Sec. 1. 26 MRSA §673 is enacted to read:

§ 673. Minimum wage; trainees and students

Notwithstanding the provisions of section 664, for an employee who is under 20 years of age who is a secondary student as defined in Title 20-A, section 1, subsection 33 or a trainee, the minimum hourly wage is \$5.25 per hour for the first 180 days of that employee's employment.

Sec. 2. 26 MRSA §774, as amended by PL 2009, c. 211, Pt. B, §23, is further amended to read:

§ 774. Hours of employment

1. Minors under 18 years of age. A minor 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;~~

B. ~~More than 20 hours in any week when the minor's school is in session, except that the minor may work up to 8 hours on each day that an authorized school closure occurs in that minor's school up to a total of 28 hours in that week. 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;~~

C. ~~More than 10 hours in any day when the minor's school is not in session;~~

D. ~~More than 4 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;~~

E. ~~More than 6 consecutive days;~~

F. ~~After 10 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~~

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.~~

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;~~

- B. More than 18 hours in any week when school is in session;
- C. More than 8 hours in any day when school is not in session;
- D. More than 34 hours in any day when school is in session;
- E. More than 6 consecutive days; or
- 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.

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.

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 by a minor under 16 years of age 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 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 is exempt from this section if a minor has written permission from the parent or guardian of the minor.

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.

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.

Sec. 3. 26 MRSA §775, sub-§1, as amended by PL 2001, c. 398, Pt. A, §1, is further amended to read:

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 or, in the case of a minor who is receiving home instruction under Title 20-A, section 5001-A, subsection 3, paragraph A, a work permit signed by the parent or guardian of the minor 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.

Sec. 4. 26 MRSA §781, sub-§1-A, ¶B, as enacted by PL 2001, c. 46, §1, is amended to read:

B. A violation of the number of hours a minor may work in any day under ~~section 774, subsection 1, paragraph B, C or D~~ or section 774, subsection 2, paragraph C or D, as long as the violation is not greater than 10 minutes per day; and

Sec. 5. 26 MRSA §781, sub-§1-A, ¶C, as enacted by PL 2001, c. 46, §1, is amended to read:

C. A violation of the number of hours worked in a week under ~~section 774, subsection 1, paragraph A or B~~ or section 774, subsection 2, paragraph A or B, as long as the violation is not greater than 50 minutes in a week.

SUMMARY

This bill amends the laws governing employment practices in the following ways:

1. It establishes a training wage for trainees or secondary students under 20 years of age at \$5.25 per hour for their first 180 days of employment;
2. It eliminates the maximum number of hours a minor 16 years of age or older can work during school days;
3. It allows a minor under 16 years of age to work up to 4 hours on a school day during hours when school is not in session;
4. It allows a home-schooled student to work during regular public school hours, but not during regularly scheduled home school hours;

5. It exempts a minor under 16 years of age who is enrolled in school from the maximum hour requirements to work in an agricultural setting as long as the minor has written permission from the minor's parent or guardian; and

6. It allows a parent or guardian of a minor who is home schooled to sign a work permit instead of the superintendent of the school administrative unit where the home-schooled minor lives.