

April 2018

State of Maine Child Labor Laws, 2003

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Recommended Citation

Labor/Labor Standards, "State of Maine Child Labor Laws, 2003" (2018). *All Bureau of Labor Standards Documents*. 617.
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L 12/6.6: Ch 536/2003

MAINE
DEPARTMENT OF
LABOR
Labor Standards

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STATE OF MAINE CHILD LABOR LAWS

Maine Department of Labor
Bureau of Labor Standards
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MAR 06 2003

Rev (1-03)

MINIMUM AGES FOR EMPLOYMENT

MINORS 16 AND OLDER may legally be employed in non-hazardous jobs in manufacturing establishments, bakeries, laundries, dry cleaning establishments and garages. They may also work in hotels, motels, commercial places of amusement, including skating rinks, circuses, arcades, bowling alleys and poolhalls and may also work in any of the below occupations.

MINORS 15 AND OLDER may legally work in dining rooms, kitchens, lobbies and offices of hotels and motels. They may also work in any of the occupations allowed for 14-year-old minors, but they are prohibited from performing room service, making deliveries to the hotel rooms or entering the hallways to those rooms.

MINORS 14 YEARS OLD may legally work in restaurants (if not on the premises of a hotel or motel), in sporting and overnight camps, stores, filling stations, ice cream stands, laundromats, hospitals, nursing homes, children's camps, domestic work in or about private homes, construction, municipalities, and in agriculture. They may also work outside on the grounds of hotels and motels and in non-hazardous work outside on the grounds of manufacturing/mechanical establishments. In addition, they may work in non-hazardous occupations involving direct customer service/sales and in offices of bakeries, laundries, dry cleaning and manufacturing/mechanical establishments but the customer service/sales or office work must be performed in a separate room from any processing area. They may also work at non-hazardous jobs at commercial places of amusement which are at a permanent location, but they may not work in games of chance or in conjunction with an amusement, game or show that allows or conducts betting.

MINORS UNDER 14 may legally work in children's camps, hospitals, nursing homes, municipalities, in domestic work in or about a private home or in the planting, cultivating or harvesting of field crops in agriculture. They may also be employed by, with or under the direct supervision of a parent in restaurants, auto, laundries, stores, sporting camps or on grounds of hotel/motel.

WORK PERMITS are required for anyone under the age of 16. After being offered the job, the minor takes a birth record to the superintendent of schools in the city or town where the child resides. A parent must accompany the child or provide a signed note giving the child permission to work. The paperwork is sent by the superintendent to the Bureau of Labor Standards for stamped approval. It takes about a week to receive the approved Work Permit, and the child cannot perform any work until the permit has been approved by this office.

FOR FURTHER INFORMATION CONTACT:

**BUREAU OF LABOR STANDARDS
WAGE & HOUR DIVISION
STATE HOUSE STATION 45
AUGUSTA ME 04333
TEL: (207) 624-6400**

THESE ARE STATE LAWS. IF FEDERAL LAW APPLIES AND IS MORE RESTRICTIVE, THE FEDERAL LAW WOULD HAVE TO BE FOLLOWED.

STATE OF MAINE CHILD LABOR LAWS

The following is a brief summary of the State of Maine Child Labor laws. Copies of the actual statutes may be obtained from the Bureau of Labor Standards, State House Station 45, Augusta, Maine, 04333, Tel: (207) 624-6400, www.Maine.gov/labor/bls/wagehour.htm.

All employers must keep daily time records for minors who are under the age of 18. The records must show what time the minor began work, total hours worked and what time the minor finished for the day. The following are limitations placed on the hours and times that minors under 18 may be allowed to work.

UNDER 16 YEARS OF AGE

- No more than 18 hours any week school is in session one or more days;
- No more than 3 hours on a school day;
- No more than 40 hours any week school is not in session (must be out of session all week);
- No more than 8 hours on non-school days (weekends, holidays, storm days, etc.);
- No more than six (6) days in a row;
- Cannot work during the hours that the minor's school is in session;
- Cannot work before 7 a.m. or after 7 p.m. except may work until 9 p.m. during summer vacation.

THE EMPLOYER MUST HAVE A STAMPED APPROVED WORK PERMIT ON FILE BEFORE ALLOWING ANY MINOR UNDER 16 TO PERFORM WORK. SEE PAGE 2 FOR INFORMATION ON WORK PERMITS.

16 AND 17-YEAR-OLD STUDENTS

- No more than 20 hours during a week that the approved school calendar is three or more days except a minor may work up to 8 hours on each day that an unscheduled school closure occurs for a total of 28 hours that week (unscheduled school closure examples are snow days, broken furnace, etc.);
- No more than 4 hours on a school day except may work 8 hours on the last school day of the week;
- No more than 50 hours in a week that the approved school calendar is less than three days or during the first of last week of the school calendar;
- No more than 10 hours on scheduled non-school days (weekends, holidays, workshops);
- No more than six (6) days in a row;
- Cannot work before 7 a.m. on a school day or before 5 a.m. on a non-school day;
- Cannot work after 10 p.m. the night before a school day or after Midnight when there is no school the next day.

Minors under the age of 17 may not work during the hours that the public schools of the city or town where the minor lives are in session. Those exceptions are:

- (1) Students who have been excused from attendance under the Department of Education law, Title 20-A, Section 5001-A Subsection 2 and Subsection 3. Home-schooled students may not be employed during the hours when the minor's approved home instruction program is in session;
- (2) A student who is in an approved alternative education plan which includes a work experience component;
- (3) A student who is enrolled in an approved cooperative education program;
- (4) A student who has been granted an early release by the school principal.

Students who are enrolled in an approved alternative education plan or an approved cooperative education program can work the daily or weekly hours required for the program without having those hours count toward the regular maximums allowed by law. As an example, a student could have a cooperative education plan which required 15 hours of employment plus the 20 that the law would normally allow for a student under eighteen.

The following are exempt from all the State hourly restrictions:

- (1) A minor employed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances (including the initial processing of farm crops);
- (2) A minor working as an employed or in-training theatrical actor or film actor;
- (3) A minor working at a children's camp;
- (4) A minor who is emancipated under Title 15, Sec. 3506-A.

Minors who are employed in fishing occupations or in the operation of ferries or excursion boats are exempt from the weekly and hourly restrictions while school is not in session only.

WORK PERMIT REQUIREMENTS

Work permits are required for minors who are under the age of sixteen (except minors employed in planting, cultivating or harvesting of field crops or other non-hazardous agricultural employment). The employer cannot allow the minor to perform any work until a permit has been received and approved by the Bureau of Labor Standards. In order to apply for a work permit, the minor must be (1) enrolled in school; (2) not habitually truant or under suspension and (3) passing a majority of courses during the current grading period. During the summer when school is not in session, the school needs to ascertain that the minor has satisfactorily completed kindergarten to grade eight. In the case of an out-of state child, the superintendent can test the student to determine that the educational standards are met. At any time that the standards for obtaining a work permit are no longer being met, the superintendent should revoke the work permit by notifying the Bureau of Labor Standards and the employer in writing. During the school year, the minor can have only one active work permit. During summer vacation, the minor can have up to two work permits, but the superintendent must cancel and revoke one of the permits at the end of the summer. This is done by notifying the Bureau of Labor Standards and the employer in writing.

The Maine law also has a provision which allows a minor or parent of a minor who is illegally employed under Sections 771, 772 or 773 and who is injured on the job to sue the employer civilly in addition to applying for benefits under the Maine Worker's Compensation law.

Anyone having questions should write to the Bureau of Labor Standards, Wage & Hour Division, State House Station 45, Augusta, Maine, 04333 or call (207) 624-6400.

RULES GOVERNING HAZARDOUS OCCUPATIONS FOR MINORS UNDER EIGHTEEN YEARS OF AGE

Department of Labor Bureau of Labor Standards

Chapter 11 Rules Governing Provisions of Hazardous Occupations for Minors Under the Age of Eighteen in Non-Agricultural Employment

Summary: The purpose of this Chapter is to prevent the exploitation of minors through hazardous working conditions in non-agricultural employment. These rules do not supercede Sections 771 and 773 of 26 MRSA which set minimum ages for employment in specific industries. Sec. 772 of 26 MRSA was amended to allow the Bureau of Labor Standards to adopt rules to develop and maintain a list of occupations not suitable for employment of minors. The rules must conform as far as practicable to the child labor provisions of the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 212 and any associated regulations.

I. Definitions

For the purpose of these regulations, the following terms will be construed as follows:

- A. "Bureau" means the Bureau of Labor Standards within the Department of Labor.
- B. "Director" means the director of the Bureau of Labor Standards or the director's designee in the Wage & Hour Division.
- C. "Hazardous Occupation" means a State prohibited occupation for any minor under the age of sixteen or under the age of eighteen in non-agricultural employment.
- D. "Student Learner" means a student enrolled in a course of study and training in a cooperative or vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school.
- E. "Apprentice" means a person who is employed in a craft recognized as an apprenticeship trade and is registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a State agency as employed in accordance with the standards of the State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and

conditions which are found by the Secretary of Labor to conform substantially with such Federal or State standards.

- F. "Nude Entertainment" means any amusement, performance, exhibition or diversion which includes the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. This does not include incidental nudity in a theatre or film performance or exhibition.

2. Enforcement Responsibilities

- A. The Director has the responsibility to ensure the protection of young workers from dangerous work and may, and upon written complaint shall, enter any establishment for the enforcement of laws that regulate the occupations of minors under the age of eighteen.
- B. The Director has the responsibility of providing an updated printed list of hazardous occupations, determined by the Director, and shall make the same available to the general public upon request.

3. State Prohibited Occupations

A. Minors Under Sixteen Years of Age

Minors under the age of sixteen may not be employed in the following occupations:

1. Any manufacturing occupation;
2. Any mining occupation;
3. Any processing occupation (except those allowed in retail, food service and gasoline service stations by federal law);
4. Motor vehicle driving of any kind and outside helper;
5. Operation or tending of hoisting apparatus or of any power-driven machinery other than non-hazardous office machines or machines in retail, food service and gasoline service establishments that are allowed by federal law;
6. Construction occupations involving:
 - a. Maintenance and repair of public highways;
 - b. All roofing occupations;
 - c. All trenching and excavation operations;
7. All work in boiler or engine rooms;
8. Outside window washing that involves working from window

- sills and all work involving the use of ladders, scaffolds or their substitutes;
9. Cooking (except at soda fountains, lunch counters, snack bars or cafeteria serving counters) and baking;
 10. Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters and bakery-type mixers;
 11. All work in freezers and meat coolers;
 12. Occupations involving the use of power-driven mowers or cutters, including the use of chain saws;
 13. All warehousing occupations, including the loading and unloading of trucks and use of conveyers;
 14. All welding, brazing or soldering occupations;
 15. Occupations involving the use of toxic chemicals and paints;
 16. Selling door-to-door (except when the minor is selling candy or merchandise as a fund-raiser for school or for an organization to which the minor belongs, such as Girl Scouts of America) or work in a traveling youth crew;
 17. All occupations on amusement rides, including ticket collection or sales;
 18. Any placement at the scene of a fire, explosion or other emergency response situation; and
 19. All occupations that are expressly prohibited for sixteen and seventeen-year-old minors.

B. Minors Sixteen and Seventeen Years of Age

Minors who are sixteen and seventeen years of age may not be employed in the following occupations:

1. Manufacturing and storing explosives;
2. Motor vehicle driving and outside helper (on public highways);
3. All mining occupations;
4. Power-driven woodworking machines;
5. Power-driven hoisting apparatus;
6. Power-driven metal forming, punching and shearing machines;
7. Slaughtering or meat packing, processing or rendering occupations (this includes meat slicers, grinders and choppers);
8. Power-driven paper products machines;
9. Manufacturing brick, tile, and kindred products;
10. Power-driven circular saws, band saws, and guillotine shears
11. Wrecking and demolition occupations;
12. Roofing operations;

13. Excavation operations;
14. All occupations in places having nude entertainment;
15. Working alone in a cash-based business;
16. In direct contact with pesticides;
17. Placement at the scene of a fire, explosion or other emergency situation except as provided in part 4 (C); and
18. Gas or electric welding, brazing, burning or cutting.

4. Clarification of Hazardous Occupation Definitions and Special Exemptions

A. The Director shall use the same definitions and special exemptions contained in Subpart C of Part 570 of Title 29 of the Code of Federal Regulations for minors under sixteen and Subpart E of Part 570 of Title 29 of the Code of Federal Regulations for minors who are sixteen and seventeen years of age in interpreting and enforcing these rules.

B. Apprentices and Student-Learners

The provisions for exemptions from certain hazardous occupations for apprentices and student-learners as allowed under federal regulations (Part 570.50 (b) and (c) of Title 29 of the Code of Federal Regulations revised as of July 1, 1997) is hereby adopted by reference.

C. Junior Firefighters

Paid and volunteer junior firefighters who are sixteen and seventeen years of age may:

1. Attend and take part in supervised training;
2. Participate in fire department functions within the rehabilitation area;
3. Pick up hose and clean up at the fire scene after the On Scene Commander has declared the scene safe;
4. Enter a structure that has been on fire when deemed safe by the On Scene Commander and accompanied by a firefighter;
5. With proper training, fight grass fires not involving standing timber; and
6. Perform search and rescue activities, other than structural firefighting.

They may not:

1. Perform fire suppression involving structures, vehicles, or wildland fires, except grass fires not involving standing timber;
2. Operate a fire department vehicle;

3. Respond with red lights;
4. Perform firefighting "overhaul" activities;
5. Respond to hazardous material events;
6. Perform any activity, except training, that involves the use of self-contained breathing equipment.
7. Respond to any accident involving fire or extraction activities (1055's);
8. Respond to "ice rescue" activities, except within the rehabilitation area; or
9. Perform traffic control activities.

5. Coverage

These rules apply to all employment and nonemployment situations. Non-employment situations include but are not limited to legitimate training and volunteer programs that ensure the safety and well-being of minors. These rules do not apply to minors in public and approved private schools where mechanical equipment is installed and operated primarily for the purpose of instruction.

Effective Date: May 14, 2001

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