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State of Maine Child Labor Laws, 1997

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STATE OF MAINE CHILD LABOR LAWS

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JUL 16 1998

M I N I M U M A G E S F O R E M P L O Y M E N T

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 YEARS OLD 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 and Social Security number 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
624-6410**

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 by contacting the Bureau of Labor Standards, Wage & Hour Division, State House Station 45, Augusta, Maine, 04333, Tel. 624-6410.

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 or 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. There are several exceptions that would allow students to work while the public schools 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 of 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 nonhazardous 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 624-6410.