

§775. Work permits

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. The superintendent may designate a school official to sign a work permit and that official is directly responsible to the superintendent for this activity.

[PL 2001, c. 398, Pt. A, §1 (AMD).]

2. Conditions for signature. The superintendent shall sign a permit in the following circumstances:

A. If the school is in session or the minor is attending summer school, the minor must be enrolled in school, not truant, not under suspension and passing a majority of courses during the current grading period. Upon request of the minor, the superintendent may waive the requirements for one grading period if, in the opinion of the superintendent, there are extenuating circumstances or if imposing the requirements would create an undue hardship for the minor; [PL 2011, c. 614, §21 (AMD).]

B. If school is not in session, the minor must furnish to the superintendent a certificate signed by the principal of the school last attended showing that the minor has satisfactorily completed kindergarten to grade 8 in the public schools or their equivalent. If the certificate can not be obtained, the superintendent shall examine the minor to determine whether the minor meets these educational standards; [PL 1991, c. 713, §5 (AMD); PL 1991, c. 713, §9 (AFF).]

C. If the minor has been granted an exception to compulsory education under Title 20-A, section 5001-A, subsection 2, the minor must only submit proof of age as provided in subsection 3; or [PL 1991, c. 713, §5 (AMD); PL 1991, c. 713, §9 (AFF).]

D. If school is in session, the superintendent may have signed only one work permit for the minor at any given time. The superintendent may sign 2 work permits for the minor for the summer vacation period. [PL 2001, c. 398, Pt. A, §1 (AMD).]

[PL 2011, c. 614, §21 (AMD).]

3. Proof of age. The superintendent may issue a permit only upon receiving and examining satisfactory evidence of the minor's age. Satisfactory evidence consists of a certified copy of the minor's birth certificate or baptismal record, a passport showing the date of birth or other documentary evidence of age satisfactory to the superintendent and approved by the director. The superintendent may require, in doubtful cases, a certificate signed by a physician appointed by the school board, stating that the minor has been examined and, in that physician's opinion, has reached the normal development of a minor of the same age and is in sufficiently sound health and physically able to perform the work the minor intends to do.

[PL 2001, c. 398, Pt. A, §1 (AMD).]

3-A. Issuance of work permit. The director or the director's agent shall issue the work permit to the minor upon verification:

A. Of the proper approval by the superintendent or other designated school official; and [PL 2001, c. 398, Pt. A, §1 (NEW).]

B. That the employment conforms with the provisions of this subchapter. [PL 2001, c. 398, Pt. A, §1 (NEW).]

The superintendent's office shall distribute the work permit to the minor. The work permit is valid only for the employer and positions listed on the permit as issued by the bureau.

[PL 2001, c. 398, Pt. A, §1 (NEW).]

4. Conditions for revocation. The superintendent may revoke the work permit issued to a minor by the bureau if the superintendent determines that the minor has not maintained the conditions for

issuance of the work permit under subsection 2, paragraph A. The superintendent shall revoke 2nd work permits at the end of the summer vacation in accordance with the limits imposed by subsection 2, paragraph D. The superintendent shall notify the director and the minor's employer in writing upon revoking a minor's work permit. The revocation is effective upon receipt by the employer of the superintendent's notice.

The bureau may revoke the work permit if the director determines the minor has not been employed in accordance with section 771, section 772, section 773-A or section 774 or if the bureau has determined that the permit was improperly signed. The director shall notify the superintendent and the minor's employer in writing upon revoking a minor's work permit.

[PL 2017, c. 286, §6 (AMD).]

5. Permit on file. The employer shall keep all work permits issued for the employer's minor employees on file and accessible to any attendance officer or agent of the director charged with the enforcement of this subchapter.

[PL 2017, c. 286, §7 (AMD).]

6. Exception. This section does not apply to minors engaged in work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances or to minors engaged in household work. Minors who are participants in summer youth employment and training programs funded by the Department of Labor are exempt from obtaining individual permits as long as the program employing the minor has submitted a notice to the director.

[PL 2017, c. 286, §8 (AMD).]

SECTION HISTORY

PL 1965, c. 272, §3 (AMD). PL 1971, c. 620, §13 (AMD). PL 1973, c. 571, §60 (AMD). PL 1975, c. 59, §3 (AMD). PL 1979, c. 468, §4 (AMD). PL 1989, c. 700, §A103 (AMD). PL 1991, c. 544, §5 (RPR). PL 1991, c. 713, §§5-7 (AMD). PL 1991, c. 713, §9 (AFF). PL 1993, c. 527, §1 (AMD). PL 2001, c. 398, §A1 (AMD). PL 2011, c. 614, §21 (AMD). PL 2017, c. 286, §§6-8 (AMD).

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