

Employers Guide to Youth Employment

Building Maine's next generation of workers



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This publication can be found at:

www.maine.gov/labor/labor_laws/publications/guide_to_employment_of_minors.pdf

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Phone: 207-623-7900

Fax: 207-623-7934

TTY users call Maine Relay 711

I. Introduction

Youth Employment laws protect minors from working in unsafe or unhealthy conditions. They also ensure that work does not compromise the education of minors. These laws include:

- minimum ages for employment.
- work permits.
- hours of work.
- prohibited occupations.

Employers who employ minors (youths under 18 years old) must ensure that working conditions meet the requirements of all four areas.

This booklet provides general information on Maine youth employment laws (Title 26 M.R.S.A. §§ 701–785). The information in this booklet should not be considered as official statements or interpretations of the law. Employers can obtain a complete copy of Maine’s youth employment laws from:

Maine Department of Labor

Wage and Hour Division

45 State House Station

Augusta, Maine 04333-0045

207-623-7900 | TTY users call Maine Relay 711

www.maine.gov/sos/cec/rules/12/chaps12.htm (click on Chapter 11)

Businesses may be covered by Maine youth employment laws, federal youth employment laws, or both. When both federal and state laws apply, employers must follow the law that provides the most protection for the minor.

Employers seeking guidance on federal labor laws may contact:

U.S. Department of Labor

Wage and Hour Division

603-666-7716 or 1866-4USWAGE (866-487-9243)

www.dol.gov/whd

By understanding and complying with the rules governing the employment of minors, employers, teachers, and parents can help ensure teens have safe and positive work experiences.

The Maine Department of Labor can help with information and training on the employment of minors.

II. History of Maine Youth Employment Laws

Maine first passed a child labor law during the industrial revolution when child labor and sweatshops were on the rise. The 1847 law addressed the amount of formal schooling a child must have in order to work. The intent of the legislation was to prevent the exploitation of children and to emphasize the importance of education.

Truancy laws passed in 1887 required children under 15 to attend at least 16 weeks of school in a school year to work in manufacturing and mechanical workplaces.

Social reforms at the turn of the century focused attention on the conditions under which children were working. Maine began inspecting businesses for sanitation, hours of labor, and other conditions harmful to children.

In 1915, the Maine Legislature stipulated that children under 14 could not work during the hours that public schools were in session. The law also required working papers for children 14 to 16 years old.

The 1940s and 1950s saw great technological advances and business expansion. To protect children, the Maine Legislature enacted stricter youth employment laws. Recognizing the value of education to the growing economy, educational requirements for working minors were strengthened.

Changes to youth employment laws and educational attendance requirements passed in 1991 addressed persistent problems of low graduation and high truancy and dropout rates in Maine schools.

The list of occupations prohibited for minors was revised in 2001, 2004, 2015, and 2017 to better protect minors from the hazards they face at work.

III. Poster

Each employer must display a poster that summarizes youth employment laws. The poster is available free from the Maine Department of Labor at: www.maine.gov/labor/posters/index.html.



*Three boys entering mill to go to work at 5:30 a.m.
Lewiston, Maine. Photo Credit: Lewis C. Hine*

IV. Work Permits

Minors under 16 years old must obtain a work permit before beginning a job. This includes homeschoolers. Minors must obtain a new permit every time they begin a new job until they reach 16 years old, even if they work for their parents.

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. Employers must have a stamped, approved work permit on file before allowing any minor under 16 years old to work.

With the promise of a job, the minor must take proof of age to the office of the superintendent of schools of the district in which they live. Parental or Legal Guardian's permission is required to work.

The superintendent's office will complete the permit and submit the form to the Maine Department of Labor. The Department will review the permit to ensure that the minor is of legal age to work at the business and that the occupation is not hazardous. If the permit is in order, the Department will validate the form and return a copy to the superintendent's office. The superintendent's office will provide a copy for the employer.

The minor cannot work until the Department of Labor approves the permit. To prevent delays in starting new employment, the minor should start the process as early as possible.

The Department of Labor issues permits for specific jobs with specific employers. Permits are not transferable to other jobs or employers. A minor under 16 needs a separate work permit for each place he or she works.

A minor can have one active permit during the school year and two during the summer. Upon leaving a job, the minor or the employer should notify the Department of Labor so the permit can be deactivated.



STATE OF MAINE
WORK PERMIT

PERMIT NUMBER _____

Sample

Note: During the school year, minors may have only one active work permit at any given time. During summer school vacation, minors may have two active work permits. Permits should not be submitted until minors have the promise of a job. Work permits do not excuse minors from attending school or classes. Falsification of information or documentation will result in permit revocation.

INFORMATION ON MINOR
PLEASE COMPLETE ALL FIELDS

Name of Minor: _____ Phone: _____

Email: _____

Legal Residence: _____
City/Town _____ State _____ Zip _____

Mailing Address of Minor: _____

Meets the following requirements, as applicable:

- Yes No During regular school session, not habitually truant, not under suspension and is passing a majority of courses during current grading period.
- Yes No Enrolled in a summer school program (last regular school day until Labor Day; enrollment will be verified with Superintendent of Schools prior to permit issuance).

INFORMATION ON EMPLOYER

Name of Business (Employer): _____

Email: _____

Business Address: _____
Address _____ City/Town _____ Maine _____
State _____ Zip _____

Industry of Employer (Type of Business): _____ Phone: _____

Occupation and Job Duties of Minor: _____

Starting Wage of Minor: _____

Signature of Superintendent or Issuing Officer and Title: _____

Superintendent's School District: _____

Signature of Parent or Legal Guardian: _____

Printed Name of Parent or Legal Guardian: _____

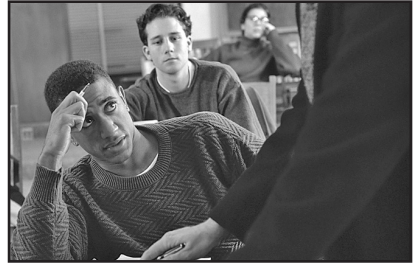
Phone Number of Parent or Legal Guardian: _____

NOTE: THIS PERMIT IS VALID ONLY AFTER APPROVAL GRANTED FROM THE BUREAU OF LABOR STANDARDS AND ONLY FOR THE MINOR, OCCUPATIONS AND EMPLOYER NAME LISTED ON PERMIT.

V. School Attendance

Maine compulsory education law requires all students attend school until age 17. The local school board must grant special permission for a minor under 17 years old to drop out of school.

A minor under 16 who has been granted such permission still must have a work permit; hourly and prohibited occupations restrictions also apply.



Hourly restrictions do not apply to 16 or 17 year olds no longer enrolled in school. Occupational restrictions apply to minors whether or not they are enrolled in school (some exceptions apply).

Minors under 17 cannot work during the hours that school is in session unless they have the school's permission for early release from school or they are in an approved program.

VI. Hours of Work

Employers must keep daily time records for minors. The records must show what time the minor began work, total hours worked, and what time the minor finished for the day.

Youth employment laws specify how early, how late and how long minors can work. See next pages for details.

VII. Workplace Safety

All employers must maintain safe and healthful work environments. The safety of young workers remains a priority of the Maine Department of Labor, especially as statistics on workplace injuries demonstrate that most disabling injuries occur within the first year on the job.

Employers must train all employees about the hazards of their jobs and how to do those jobs safely. To learn how to provide adequate and effective training, especially for new employees, please contact SafetyWorks! at 1-877-723-3345 or www.safetyworksmaine.gov.

FOLLOWING ARE THE HOURS AND TIMES MINORS MAY WORK:

A. Minors under 16 years old

Work Hours

- Between 7 a.m. and 7 p.m. during the school year
- Between 7 a.m. and 9 p.m. during summer vacations only
- Not during school hours

Maximum Hours

- 3 hours a day on school days, including Fridays
- 18 hours in any week during a school week
- 40 hours in a week with no school
- 8 hours on days without school (during weekends, holidays, vacations, storm days, etc.)
- No more than six days in a row

B. 16 and 17 Year Olds (enrolled in school, including home school)

*The Maine law that limits hours for 16- and 17-year-old workers includes several exceptions. **Federal law does not limit work hours for 16 and 17 year olds.***

Work Hours

- Not before 7 a.m. on a school day
- Not before 5 a.m. on a non-school day
- Not after 10:15 p.m. the night before a school day
- Not after midnight if there is no school the next day
- Minors under 17 cannot work during school hours

Maximum Hours

- 6 hours a day on a school day; 8 hours a day on the last school day of the week
- 24 hours a week in any week with three or more school days
- 50 hours a week each week with less than three scheduled school days, or during the first or last week of the school year
- 10 hours in any day when the minor's school is not in session
- No more than six days in a row

Exceptions

Students enrolled in an approved alternative education plan or an approved cooperative/vocational education program can work the daily or weekly hours required for the program without having those hours count toward the regular maximums allowed. For example, a 17 year old student could work 15 hours under a cooperative/vocational education plan plus the 24 hours that the law would normally allow for a student under 18 years old.

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 substances.
2. A minor working as an employed or in-training actor.
3. A minor working at a children's camp.
4. A minor who is legally emancipated.
5. Minors employed in fishing occupations or in the operation of ferries or excursion boats are exempt from the weekly and hourly restrictions only while school is not in session.

Disclaimer: The above exemptions are for Maine's youth employment laws. Federal law often differs and could prohibit such activities or occupations. For more information, employers may contact:

Maine Department of Labor
Wage and Hour Division
45 State House Station
Augusta, Maine 04333-0045
207-623-7900 | TTY users call Maine Relay 711
www.maine.gov/sos/cec/rules/12/chaps12.htm (click on Chapter 11)
(scroll down the page to section 12 170 and click on Ch. 11)

VIII. Minimum Age for Employment

Maine law states at what age minors may work in specific industries. Minimum ages under federal law are different. Contact the U.S. Department of Labor, Wage and Hour Division at 603-666-7716 or 1-866-4USWAGE (866-487-9243).

Minors who are 16 or 17: May work in non-hazardous jobs in manufacturing establishments, bakeries, laundries, dry-cleaning establishments, and garages. Minors may also work in hotels, motels, commercial places of amusement, including skating rinks, circuses, arcades, bowling alleys, pool halls, and in all industries allowed for younger minors.

Minors who are 14 and 15: May work in non-hazardous jobs in dining rooms, kitchens, lobbies and offices of hotels and motels, but they are prohibited from performing room service or making deliveries to the hotel rooms. Minors may also work in sporting and overnight camps, stores, filling stations, ice cream stands, and laundromats.

Minors who are under 14: Federal law prohibits minors in non-agricultural employment to work in businesses under their jurisdiction. Different rules apply to agricultural employment.

*Non-hazardous jobs are those not stipulated under state prohibited occupations. Minors of any age may work for their parents in non-hazardous jobs in non-mechanical and non-manufacturing settings in retail or service industries if the business is solely owned by the minor's parent. Work permit requirements, hours of work, and prohibited occupations apply to minors even when they work for their parents.

IX. Maine Prohibited Occupations

RULES GOVERNING HAZARDOUS OCCUPATIONS FOR MINORS UNDER EIGHTEEN

Effective Date: May 14, 2001

Coverage: These rules apply to all non-agricultural employment and non-employment 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.

A. Minors Under 16 Years of Age

Minors under the age of 16 **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, and all other venues not prohibited by federal law)
4. Motor vehicle driving and outside helper on a motor vehicle.
5. Operation or tending of hoisting apparatus or of any power-driven machinery other than nonhazardous office machines or machines in certain retail, food service, and gasoline service establishments.
6. Construction occupations involving:
 - a. Maintenance and repair of public highways.
 - b. All roofing occupations.
 - c. All trenching and excavation operations.

(Federal law prohibits minors under 16 from doing any construction work.)

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 other venues allowed by federal law) 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 conveyors.
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. (See Section D. Junior Firefighters.)
19. All occupations that are expressly prohibited for 16 and 17 year olds.

NOTE: Teens under 18 are prohibited from handling, serving, or selling alcoholic beverages. Exceptions: 15 year olds can handle liquor (for example, stocking and carrying) but not serving or selling it and 17 year olds can serve or sell liquor if a supervisor 21 or older is present; 14 year olds may only bus tables. For more information, call Public Safety, Liquor Licensing at 207-624-7220.

B. 16 and 17 Year Olds

Minors who are 16 and 17 years old may not be employed in the following occupations:

1. Manufacturing and storing explosives.
2. Motor vehicle driving on public roadways and outside helper on a motor vehicle. (exemption for 17 year olds)
3. All mining occupations.
4. Power-driven woodworking machines.*

5. Power-driven hoisting apparatus, including forklifts.
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, including balers and compactors.*
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. Placement at the scene of a fire, explosion, or other emergency situation except as provided in Section D. Junior Firefighters.
16. Gas or electric welding, brazing, burning, or cutting (if done in conjunction with other hazardous occupations.)*
17. Working in confined spaces.
18. Working at heights.
19. All occupations in registered dispensaries of marijuana for medical use authorized under title 22, chapter 558-c and in establishments that cultivate, produce or sell marijuana or products in which marijuana is an ingredient or in recreational marijuana social clubs authorized under Title 7, chapter 417.

*Federal and State law provides exemptions for Student Learners and Apprentices.

Limited Exemption for 17 Year Old Employees

1. Seventeen-year-olds, but no one under 17 years of age, may drive automobiles and trucks on public roads as part of their employment on an occasional and incidental basis if all the following requirements are met:
 - a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight;
 - b. The driving is limited to daylight hours;
 - c. The 17-year-old holds a state license valid for the type of driving involved;
 - d. The 17-year-old has successfully completed a state-approved driver education course and has no record of any moving violations at the time of hire;
 - e. The driving takes place within a thirty (30) mile radius of the minor's place of employment;
 - f. The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;
 - g. The driving may not involve: towing vehicles; route deliveries or route sales; transportation for hire of property, goods, or passengers; urgent, time-sensitive deliveries; transporting more than three passengers, including employees or the employer; more than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer (other than urgent, time-sensitive deliveries which are prohibited); more than two trips away from the primary place of employment in a single day to transport passengers, other than employees of the employer.
2. The following definitions shall apply to Section 4 of these Rules:
 - a. "Motor vehicle" shall mean any automobile, truck, truck tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.
 - b. "Driver" shall mean any individual who in the course of employment, drives a motor vehicle at any time.

- c. “Outside helper” shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.
- d. “Gross vehicle weight” includes the truck chassis with lubricants, water, and full tank or tanks of fuel, plus the weight of the cab or driver’s compartment, body, and special chassis and body equipment, and payload.
- e. “Urgent, time-sensitive deliveries” shall mean trips which, because of such factors as customer satisfaction, the rapid deterioration of the quality or change in temperature of the product, and/or economic incentives, are subject to timeliness, schedules, and/or turnaround times which might impel the driver to hurry in the completion of the delivery. Prohibited trips would include, but are not limited to, the delivery of pizzas and prepared foods to the customer, the delivery of materials under a deadline (such as deposits to a bank at closing), and the shuttling of transport schedules. “Urgent, time-sensitive deliveries” do not depend on the delivery’s points of origin and termination, and include the delivery of people and things to the employer’s place of business as well as from that business to some other location.
- f. “Occasional and incidental” shall mean not more than one-third of the 17-year-old driver’s worktime in any workday and no more than 20 percent of the 17-year-old driver’s worktime in any workweek.

C. Apprentices, CTE-Student and Student Learners

Apprentices and student learners may work at the following prohibited occupations:

- The operation of power-driven woodworking, paper products, and metal-forming, punching and shearing machines.
- Slaughtering or meat packing, processing or rendering.
- Operation of power-driven circular saws, band saws, and shears.
- Roofing operations.
- Excavation operations.
- Welding, brazing, and soldering.

To qualify for the above exemptions, the following conditions must be met:

Apprentices:

1. Must be employed in a craft recognized as an apprenticeable trade and registered by the U.S. Department of Labor or the Maine Department of Labor.
2. The hazardous work is incidental to the training.
3. The hazardous work is intermittent, for short periods of time, and under the direct and close supervision of a journeyman.

CTE-Student and Student Learners:

1. Must be 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 similar private school program; and
2. Must be employed under a written agreement that provides:
 - a. That the hazardous work must be incidental to the training.
 - b. That the hazardous work must be intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person.
 - c. That both the school and employer give safety instruction.
 - d. A schedule of organized and progressive work processes to be performed on the job.

Apprentices and student learners who have graduated from high school and a vocational, career and technical or cooperative education program approved by the Department of Education and are hired by an employer to work in an occupation for which the minor has been trained and certified by the program, may work for that employer in that occupation.

D. Junior Firefighters (paid and volunteer)

Minors who are under 16 MAY:

- Perform nonhazardous duties at the fire station.
- Ride in the cab of a fire vehicle responding to an emergency scene.
- Attend training sessions. However, if the training is deemed hazardous, an instructor shall supervise the minor.
- Participate in nonhazardous duties only within the rehabilitation area at the scene of an actual emergency.

Minors who are under 16 MAY NOT:

- Perform any hazardous duties at the fire station.
- Ride outside the cab of any fire apparatus.
- Perform any hazardous work at the scene of an accident.
- Fight fires except in training sessions.

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

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

They may not:

- Perform fire suppression involving structures, vehicles, or wild land fires, except grass fires not involving standing timber;
- Operate a fire department vehicle;
- Respond with red lights;
- Perform firefighting “overhaul” activities;
- Respond to hazardous material events;
- Perform any activity, except training, that involves the use of self contained breathing equipment.
- Respond to any accident involving fire or extraction activities (1055’s);
- Respond to “ice rescue” activities, except within the rehabilitation area; or
- Perform traffic control duties.

E. Junior Emergency Medical Services (EMS) Persons

Paid and volunteer junior emergency-medical-services persons who are 16 and 17 years of age may:

1. Attend and take part in supervised training;
2. Provide, under supervision, emergency medical treatment in accordance with the Maine Emergency Medical Service Act of 1982 (32 M.R.S.A. Chapter 2-B) and the Maine EMS Rules.

They may not:

1. Be first on scene of a medical emergency to which the EMS service has been summonsed;.
2. Respond to any call that may be psychologically or physically traumatic to the junior EMS person, as determined by the senior member in charge of the welfare and actions of the junior EMS person during the call.
3. Operate a vehicle defined as an authorized emergency vehicle by 29-A M.R.S.A §2054.
4. Operate a privately owned vehicle that is responding with one or more red lights.

5. Participate in any patient extrication, except in a support role in an area away from the scene of the extrication.
6. Perform traffic control activities.

F. Career-Oriented Law Enforcement Programs

1. **Traffic control duties permitted.** Notwithstanding any other provision of this article, a minor 14 years of age or older who is a volunteer participant in a career-oriented law enforcement program may perform traffic control duties in accordance with this section.
2. **Training.** A minor may not perform traffic control duties under this section until the minor has received traffic control training in accordance with the requirements of the supervising law enforcement agency. Proof of the minor's successful completion of the training must be maintained by the law enforcement agency.
3. **Supervision.** A minor may perform traffic control duties only under direct supervision of a law enforcement officer as part of a career-oriented law enforcement program. This supervision must:
 - a. Be from a close distance so that the officer does not become distracted or perform other duties; and
 - b. Include means of radio contact in the event that the minor needs to contact another officer for assistance.
4. **Limitations on events.** A minor may perform traffic control duties only at civic events, fair parking lots, parades, walks, foot races, car shows and charity events.
5. **Limitations on locations.** A minor may not:
 - a. Direct traffic or pedestrians on busy roadways or thoroughfares.
 - b. Assist in traffic control at places of heightened danger such as traffic stops or roadblocks.
 - c. Direct traffic in conjunction with crowd control or riot control.
 - d. Collect donations at a traffic light.
 - e. Direct traffic at funeral processions.
 - f. Direct traffic at the scene of an emergency.
6. **Night activities prohibited.** A minor may perform the activities authorized under this section only between sunrise to sunset.

G. Exception to the prohibitions on working in confined spaces (Sec. 3B(19)) and working at heights (Sec. 3B(20)) may be made for work of an emergency nature that affects the public's health and safety. Such situations may include, but are not limited to, police, fire, emergency medical services and National Guard duty. All other restrictions in these rules still apply in such situations.

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.

X. Federal Prohibited Occupations

A. Prohibited Occupations

Under the federal Fair Labor Standards Act (FLSA), 17 Hazardous Orders in Nonagricultural Occupations prohibit the employment of youth under 18 in certain occupations in certain businesses.

Maine-prohibited occupations include most of the federally-prohibited occupations, as well as several prohibitions not covered by federal law. Federal law prohibits youth under 18 from only a few occupations which Maine law does not prohibit:

- Logging and sawmilling.
- Exposure to radioactive substances (prohibited in Maine under 16 years old).
- Operating power-driven bakery machines (prohibited in Maine under 16 years old).

Employers who employ minors and are engaged in these activities should contact the U.S. Department of Labor Wage and Hour Division at 603-666-7716.

B. Farm Labor

A Federal Hazardous Order sets occupational restrictions for agricultural workers under 16 years old employed in the production of goods for interstate commerce. The order lists 16 prohibited occupations, including working with certain power-driven farm machinery, operating a tractor with over 20 PTO (power-take-off) horsepower and working with explosives or certain chemicals. Request “Child Labor in Agriculture” from the U.S. Department of Labor Wage and Hour Division at 603-666-7716.

The prohibitions on youth employment on farms do not apply to minors employed on a farm owned or operated by their parents or to students in a recognized vocational education training program. In addition, exemptions are provided for 4-H members who have completed designated training programs and participants in other approved farm-training and education programs.

C. Federal Contracts

In addition to the other prohibited occupations, youth under 16 may not be employed in the manufacture or furnishing of any article included in a U.S. government contract in excess of \$10,000 (Federal Public Contracts Act).

XI. Special Occupations

- A. Child actors—Maine has no minimum age and no hourly restrictions for child actors, but they must have work permits if under the age of 16.
- B. Agriculture—No work permit is required for field agricultural work. No minimum age, hourly restrictions, or prohibited occupations apply in field occupations involving the planting, cultivating, or harvesting of field crops under Maine law except for marijuana.

XII. Volunteers

Individuals may volunteer under certain conditions:

- A volunteer cannot displace regularly paid employees doing the same tasks.
- The work must be for charitable, religious, or humanitarian purposes.
- The volunteering must be done in nonprofit organizations only.

Minimum age and prohibited occupations rules apply whether the worker is paid or volunteers. Minors do not need work permits for volunteer work.

Hours limitations do not apply to volunteer work; however, the Maine Department of Labor recommends that minors who volunteer be kept to the same hours limitations as minors who work for pay.

XIII. Internships

Interns in the “for profit” sector typically must be paid at least minimum wage and overtime. The more an internship program is structured around classroom or academic oversight, the less likely the internship would be viewed as an employment relationship.

XIV. School-Based Learning Programs

Cooperative education programs (“Co-op”) are considered employment situations. Students are placed in businesses. A school coordinator evaluates and grades them on pre-assigned job duties and training tasks.

The employer must pay students at least the minimum wage and comply with all applicable state and federal laws.

Under Maine law, the hours worked in these types of programs are not counted against the hourly restrictions set for youth under the age of 18. Federal laws are more restrictive for minors under the age of 16, regardless of school programs.

XV. Employer/Employee Relationships

In most instances, an employment relationship exists when a person is allowed to perform work. Maine labor law defines “employ” as “to suffer or permit to work.” Where there is an employment relationship, the employer falls under several state and federal laws, including minimum wage, workers’ compensation, unemployment taxes, and payroll deductions for state and federal taxes.

XVI. Enforcement of Maine Youth Employment Laws

The Maine Department of Labor enforces state youth employment laws. Violations of youth employment laws are serious. Any violation of a youth employment law is a civil violation subject to fines up to \$50,000 per incident.

It is illegal for an employer to fire, threaten, retaliate against, or otherwise discriminate against an employee for reporting a suspected youth employment violation to the Department of Labor. Complaints may be filed with the Maine Human Rights Commission at 207-624-6290.

Anyone can report a suspected youth employment violation in writing to the Maine Department of Labor Wage and Hour Division or the U.S. Department of Labor Wage and Hour Division. *See Section XXIV: Resources for agency contact information.*

XVII. Comparison of Maine and Federal Youth Employment Laws

When there is a difference between state and federal law regarding the employment of minors, the law that provides the most protection to the minor takes precedence. In most cases, Maine youth employment laws provide more protection than federal law. Several situations where federal law is more protective than Maine law are noted in this guide. The U.S. Department of Labor Wage and Hour Division can provide details of federal law.

XVIII. Minimum Wage, Overtime, Recordkeeping and Other Labor Laws

- Effective January 1, 2023, minimum wage will be \$13.80 per hour. Note: Portland has its own minimum wage that may be higher.

New Minimum Wage Increases

Effective Date	State Minimum Wage	Minimum Direct Service Wage*	Maximum Tip Credit
1/1/2022	\$12.75	\$6.38	\$6.38
1/1/2023	\$13.80	\$6.90	\$6.90
1/1/2024	Tied to Consumer price Index (CPI)		

- Maine does not have a training or student wage below the minimum.
- Tipped employees must be paid at least one-half the minimum wage. If this rate plus tips for the week do not average the minimum wage, the employer must pay the difference.
- Each employee must receive a pay statement with each payment of wages showing the date of the pay period, hours worked, total wages paid, and itemized deductions.
- Employees get overtime pay of 1 1/2 times their regular hourly rate after 40 hours of work per week. This applies to most employees. A poster stating these rules must be shown in the workplace.
- Employers must keep daily time records for minors. The records must show what time the minor began work **and ended work**.
- Employees must be offered a 30 consecutive minute break after every six hours worked, except in cases of emergency (Title 26, chapter 7, §601)
- Employers must pay wages to employees on an established day or date at regular intervals of no more than 16 days.

- Employees must be paid for the work performed. Employees who leave a job must be paid in full no later than the employees next established payday.
- Employers cannot deduct from an employee’s pay for things such as broken merchandise or bills not paid by customers.
- Employers must give an employee one-day notice to lower the employee's rate of pay.
- Maine is an “at will” state. An employee may be fired for any reason not prohibited by law unless he or she is covered by a collective bargaining agreement or other contract that limits firing.
- Employers may not discriminate on the basis of gender by paying a rate less than the rate paid an employee of the opposite sex for comparable work.
- “Cash under the table” is not legal.
- Most of the wage laws do not apply to agriculture.
- An employer who violates employment laws may have to pay penalties, additional wages, and lawyers’ fees.

XIX. Discrimination and Harassment

A. Unlawful Discrimination

Employers must not discriminate against workers because of race, religion, color, sex, age, national origin, sexual orientation, or mental or physical disability.

B. Workers with Disabilities

The federal Americans with Disabilities Act and the Maine Human Rights Act protect workers who have disabilities. Employers may not discriminate against workers with disabilities in hiring or firing. Employers must make reasonable accommodations for such workers’ disabilities.

C. Sexual Harassment

Sexual harassment on the job is against the law. Retaliation for complaining about sexual harassment is also against the law.

D. Whistleblower Protection

It is against the law for an employer to fire, threaten, retaliate, or discriminate against an employee for:

- Reporting a law violation.
- Reporting a risk to health or safety.
- Refusing to do something that was life-threatening, after asking the employer to correct the problem.
- Being part of a government investigation.
- Reporting a medical error if you are a healthcare worker.

The law applies only if the employee tells the employer about the problem and allows time for it to be fixed or if the employee has good reason to believe the employer will not correct the problem.

XX. Unemployment and Workers' Compensation Insurance

Unemployment insurance law provides for payment of benefits to qualified workers during periods of unemployment regardless of age.

Workers' compensation insurance gives benefits to workers who get hurt on the job regardless of age.

XXI. Drug Testing

Employers can ask workers to take drug tests if federal law requires it or if the company has a drug policy approved by the Maine Department of Labor.

Under the law, an employer can use a positive test result to:

- Refuse to hire someone.
- Fire an employee.
- Discipline an employee.
- Change an employee's work.

Those who apply for jobs may be tested only if they are offered work or are placed on a waiting list for a job. Employers who test under the law must give those tested a copy of the policy prior to the test.

XXII. Compliance Assistance

The Maine Department of Labor Wage and Hour Division helps employers comply with youth employment laws.

The Maine Department of Labor **SafetyWorks!** program helps employers comply with occupational safety and health regulations.

See Section XXIV: Resources for agency contact information.

XXIII. Frequently Asked Questions about Youth Employment Laws

- Q. Can a 16 or 17 year old who has quit school work more than 6 hours per day or 24 hours per week?
- A. *If the 16-year-old minor has been allowed to drop out of school, the hourly restrictions no longer apply. If a 17-year-old minor is no longer enrolled in school, the hourly restrictions no longer apply. The employer should obtain a letter from the superintendent of schools stating that the child is no longer enrolled in school and, if under 17, that he or she has been waived from compulsory education laws.*
- Q. If a 16 or 17 year old minor is working toward a high school equivalency diploma, are his or her working hours restricted when school is in session?
- A. *If the minor has dropped out of the traditional school setting and is no longer “enrolled,” the hourly restrictions no longer apply. The employer should get written confirmation from the superintendent that the minor has been allowed to drop out of school.*
- Q. Do child labor laws apply to 18 year olds who are still in high school?
- A. *No. Once a minor turns 18, none of the youth employment laws apply, even if the person is still a student.*
- Q. Are the youth employment laws any different if you are hiring your own son or daughter?
- A. *Work permit requirements, hourly restrictions, and prohibited occupations rules apply even when hiring family members.*
- Q. Do OSHA regulations apply to minors?
- A. *Yes. OSHA regulations apply to workers regardless of age.*

- Q.** If an employer complies with Maine law, does that guarantee compliance with federal law, or vice versa?
- A.** *Not in all cases. The law that is most restrictive and protects the employee the most is the one that applies.*
- Q.** Can 14 or 15 year olds have more than one job?
- A.** *14 and 15 year olds need work permits in order to work. They are allowed one work permit during the school year and two in the summer.*
- Q.** If a 14 or 15 year old changes jobs, does he or she need a new work permit?
- A.** *Yes. A work permit is valid only for the occupation and business for which it is approved.*
- Q.** What is the employer's responsibility regarding work permits?
- A.** *The employer must keep the approved copy of the work permit on file. Once the child is no longer working, the employer's copy should be returned to the Maine Department of Labor.*
- Q.** What cooking may minors under 16 years old do?
- A.** *Minors may cook only with electric or gas grills that do not involve cooking over an open flame and with deep fryers that are equipped with and utilize devices that automatically lower and raise the baskets into and out of the oil or grease.*
- Q.** What is considered a manufacturing occupation for youth employment law purposes?
- A.** *A process that changes the original product can be considered manufacturing. Laws prohibit minors under 16 years old from working in processing or manufacturing areas except for waiting on customers or performing office work in a separate room.*
- Q.** Who is considered a "junior firefighter?"
- A.** *According to Maine law, anyone under 18 who is working as a firefighter or training to become a firefighter is considered a junior firefighter.*
- Q.** Is the Boy Scout Explorer program covered by the junior firefighter rules?
- A.** *If the program includes a junior firefighting program, all of the junior firefighter rules apply.*

XXIV. Resources

U.S. Department of Labor:

(enforces federal youth employment laws)

Wage and Hour Division

603-666-7716 • 1-866-4USWAGE (866-487-9243)

Manchester, New Hampshire

www.dol.gov/whd

Workplace Safety and Health:

SafetyWorks!

Maine Department of Labor

207-623-7900 or 1-877-SAFE-345

TTY users call Maine Relay 711

Email: webmaster.bls@Maine.gov

www.safetyworksmaine.gov

Occupational Safety and Health Administration (OSHA)

207-626-9160 (Augusta) or 207-941-8177 (Bangor)

www.osha.gov/

Maine Workers' Compensation Board

207-287-3751 • TTY users call Maine Relay 711

www.maine.gov/wcb/

Maine Human Rights Commission

207-624-6290 • TTY users call Maine Relay 711

www.maine.gov/mhrc/

Unlawful discrimination, sexual harassment, or the protection of workers with disabilities:

U.S. Equal Employment Opportunity Commission (EEOC)

1-800-669-4000

www.eeoc.gov/



For more information, please call us at
207-623-7900 | TTY users call Maine Relay 711.
Visit us online at www.maine.gov/labor/bls