

SENATE No. 208

To accompany the petition of Leslie B. Cutler that the school attendance and employment of children under the age of sixteen be further regulated. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT FURTHER REGULATING THE SCHOOL ATTENDANCE
AND EMPLOYMENT OF CHILDREN UNDER SIXTEEN YEARS
OF AGE.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. Chapter 149 of the General Laws is
2 hereby amended by striking out section 60, as most
3 recently amended by section 1 of chapter 109 of the
4 acts of 1947, and inserting in place thereof the follow-
5 ing section:—

6 *Section 60.* Except as provided in section sixty-
7 nine and section eighty-six, no person shall employ
8 a child under sixteen years of age or permit or suffer
9 him to work in any employment, as defined in section
10 one, or in any business or service; provided, that
11 children between fourteen and sixteen years of age
12 may be employed during hours when the public
13 schools are not in session, but not in, about or in
14 connection with any factory, workshop, manufactur-

15 ing, mechanical or processing establishment or in
16 any occupation prohibited by law for a child under
17 sixteen years of age. Except as provided in section
18 eighty-six, no child under sixteen years of age shall
19 be employed for wage or other compensation, to
20 whomsoever payable, during the hours when the
21 public schools are in session, nor, except as provided
22 in section sixty-nine, shall he be employed at work
23 before six o'clock in the morning or after six o'clock
24 in the evening.

25 This section and section eighty-six shall not be
26 deemed to prohibit minors under sixteen from taking
27 part on the stage for a limited period in a play or
28 musical comedy in a theatre wherein not more than
29 two performances are given in any one day and not
30 more than eight performances are given in any one
31 week if the commissioner, after being satisfied that
32 the supervision of such minors is adequate, that their
33 living conditions are healthful and that their education
34 is not neglected, gives his written consent to such
35 taking part.

36 Nothing in this section shall apply to work in farm
37 service or in domestic service provided such domestic
38 or farm service is performed by a child in connection
39 with his own home and directly for his parent or
40 guardian during the hours when the public schools
41 are not in session.

1 SECTION 2. Section 69 of said chapter 149, as
2 most recently amended by section 7 of chapter 461
3 of the acts of 1939, is hereby further amended by
4 striking out, in lines 10 to 13, inclusive, the words
5 "except a child granted an employment permit by
6 the superintendent of schools when such super-

7 intendent determines that the welfare of such child
8 will be better served through the granting of such
9 permit", — so as to read as follows:— *Section 69.*
10 No boy under twelve and no girl under eighteen
11 shall sell, expose or offer for sale any newspapers,
12 magazines, periodicals or any other articles of merchan-
13 dise of any description or exercise the trade of boot-
14 black or scavenger or any other trade, in any street
15 or public place.

16 A boy over twelve may engage or be employed in
17 any city or town in the sale or delivery of newspapers,
18 magazines or other periodicals in a street or on a
19 newspaper route; provided, that no minor under
20 sixteen may so engage or be employed during the
21 hours that the public schools of the city or town in
22 which such minor resides are in session, nor before
23 six o'clock in the morning nor after eight o'clock
24 in the evening, nor unless such minor has secured a
25 badge from the officer authorized to issue permits
26 for employment in the city or town where he resides
27 to which badge sections seventy-one and seventy-
28 two shall apply.

1 SECTION 3. Section seventy-three of said chapter
2 one hundred and forty-nine, as amended by section
3 eight of chapter four hundred and sixty-one of the
4 acts of nineteen hundred and thirty-nine, is hereby
5 repealed.

1 SECTION 4. Said chapter 149 is hereby further
2 amended by striking out section 86, as most recently
3 amended by section 2 of chapter 109 of the acts of
4 1947, and inserting in place thereof the following
5 section:—

6 *Section 86.* No person shall employ a child under
7 sixteen years of age or permit or suffer him to work
8 in any employment as defined in section one, or in
9 any business or service, other than street trades as
10 defined in sections sixty-nine to seventy-two, in-
11 clusive, unless the person employing him obtains
12 for such child a vacation or outside school hours'
13 employment permit, a co-operative employment per-
14 mit or a special employment permit, as hereinafter
15 specified. Nothing in this section shall be deemed
16 to require an employment permit either for work
17 in domestic service or in farm service provided such
18 domestic or farm service is performed by a child in
19 connection with his own home and directly for his
20 parent or guardian during the hours when the public
21 schools are not in session, nor shall an employment
22 permit be required for the employment of a child
23 during the hours when the public schools are not in
24 session in occasional work in or around a home pro-
25 vided such work is usual to the home of the employer
26 and is not in connection with, or a part of, the trade,
27 business or profession of the employer.

28 A vacation or outside school hours' permit per-
29 mitting employment only during hours when the
30 public schools are not in session may be issued for
31 the employment of children fourteen and fifteen
32 years of age, but no such permit shall be issued for
33 employment, in, about, or in connection with any
34 manufacturing, mechanical or processing estab-
35 lishment.

36 A co-operative employment permit may be granted
37 by the superintendent of schools for the employment
38 of pupils fourteen and over enrolled in co-operative
39 courses in public schools but no such permit shall be

40 issued for the employment of a pupil under sixteen
41 years of age in about or in connection with any manu-
42 facturing, mechanical or processing establishment.

43 A special employment permit permitting employ-
44 ment in private domestic service or in farm service
45 may be issued for the employment of children fourteen
46 and fifteen years of age during hours when the public
47 schools are not in session; provided, that no such
48 permit shall be granted for employment in any
49 processing establishment.

50 The person employing a child under sixteen shall
51 keep on file, accessible to the supervisors of attendance
52 of the town, to agents of the department of education,
53 and to the department of labor and industries or its
54 authorized agents or inspectors, the permit for em-
55 ployment issued to such child and shall send forth-
56 with a copy of such permit to the department of
57 labor and industries.

58 On termination of the employment of a child whose
59 permit for employment is on file said permit shall be
60 returned by the employer within two days after said
61 termination to the office of the superintendent of
62 schools or school committee from which it was issued,
63 and said office shall forthwith notify the department
64 of labor and industries of the receipt of said permit.
65 Any person who retains a permit for employment
66 contrary to this section shall be punished by a fine
67 of not less than ten dollars nor more than one hundred
68 dollars.

