

By Miss Travinski of Southbridge, petition of Marilyn L. Travinski and other members of the General Court relative to the child labor laws of the Commonwealth. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO THE CHILD LABOR LAWS FOR THE COMMONWEALTH.

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, as appearing
2 in the 1988 Official Edition is hereby amended by striking section
3 54, and inserting in place thereof the following section: —

4 Section 54. The department shall investigate core rooms where
5 workers are employed, and shall make rules regulating the
6 employment of workers therein. The rules shall relate to the
7 structure and location of the rooms, the emission of gases and
8 fumes from ovens, and the size and weight which the workers shall
9 be allowed to lift or work on. A copy of the rules shall be posted
10 in every core room where workers are employed. Whoever violates
11 any such rule shall be punished by a fine of not less than one
12 hundred nor more than three thousand dollars.

1 SECTION 2. Chapter 149, of the General Laws, as appearing
2 in the 1988 Official Edition, is hereby amended by striking section
3 57, and inserting in place thereof the following section: —

4 Section 57. A parent or guardian who permits a child under
5 his control to be employed in violation of the preceding section,
6 and any person who, either for himself or as a superintendent,
7 overseer or agent for another, employs any person in violation
8 of said section, or fails to post or keep posted any notice as
9 required by it, or makes a false report of stopping of machinery,
10 shall be punished by a fine of not less than one hundred dollars
11 nor more than five hundred dollars.

1 SECTION 3. Said Chapter 149, is hereby further amended by
2 striking out section 78, as so appearing and inserting in place
3 thereof the following section: —

4 Section 78. Whoever, by himself or for others, or through
5 agents, servants or foremen, employs, induces or permits any
6 minor to work contrary to any provisions of sections sixty to
7 seventy-four, inclusive, shall be punished for a first offense by a
8 fine of not less than two hundred dollars nor more than five
9 hundred dollars or by imprisonment for not more than one month,
10 or both, and for a subsequent offense by a fine of not less than
11 five hundred dollars nor more than two thousand dollars or by
12 imprisonment for not more than two months, or both. The
13 employment of any minor in violation of any provision of said
14 sections, after the person employing such minor has been notified
15 thereof in writing by an authorized inspector or supervisor of
16 attendance, shall constitute a separate offense for every day during
17 which the employment continues. Violations of sections sixty to
18 seventy-four, inclusive, or of section one hundred and four shall
19 be reported by the department to the department of industrial
20 accidents.

21 The Commissioner, upon determination that a subsequent
22 violation of any provision of sections sixty to seventy-four,
23 inclusive, has occurred, may issue a cease and desist order,
24 enforceable in the appropriate courts of the commonwealth. Such
25 an order shall not be considered as mitigation in the levying of
26 fines or other punishment cited in this section for criminal process.
27 In addition, the commissioner may, after notice and an
28 opportunity for a hearing, in accordance with the provisions of
29 chapter thirty A, assess civil penalties in an amount not to exceed
30 five hundred dollars per day.

1 SECTION 4. Said Chapter 149, is hereby further amended by
2 striking out section 79, as so appearing and inserting in place
3 thereof the following section: —

4 Section 79. Any person who hinders or delays any authorized
5 inspector or supervisor of attendance in the performance of his
6 duties, or who refuses to admit or locks out any such inspector
7 or supervisor from any place which such inspector or other
8 authorized representative of the department or supervisor is
9 authorized to inspect, or refuses to give such inspector or

10 authorized representative such information as may be required for
11 the proper enforcement of the provisions of, or any rule or
12 regulation adopted under, this chapter shall be punished by a fine
13 of not less than two hundred dollars nor more than two thousand
14 dollars or by imprisonment for not more than two months, or
15 both.

1 SECTION 5. Said Chapter 149, is hereby further amended by
2 striking section 80, as so appearing and inserting in place thereof
3 the following section:

4 Section 80. Whoever furnishes or sells to any minor any article
5 of any description with the knowledge that the minor intends to
6 sell such article in violation of any provision of sections sixty-nine
7 to seventy-three, inclusive, or after having received written notice
8 to this effect from any officer charged with the enforcement
9 thereof, or knowingly procures or encourages any minor to violate
10 any provisions of said sections, shall be punished by a fine of not
11 less than one hundred dollars nor more than two thousand dollars
12 or by imprisonment for not more than two months, or both.

1 SECTION 6. Said Chapter 149, is hereby further amended by
2 striking out section 81, as so appearing and inserting in place
3 thereof the following new section: —

4 Section 81. Any parent, guardian or custodian having a minor
5 under his control who compels or permits such minor to work
6 in violation of any provision of sections sixty to seventy-four,
7 inclusive, or knowingly certifies to any materially false statement
8 for the purpose of obtaining the illegal employment of such minor,
9 shall for the first offense be punished by a fine of not less than
10 one hundred dollars nor more than five hundred dollars or by
11 imprisonment for not more than five days, or both; and for a
12 subsequent offense by a fine of not less than two hundred dollars
13 nor more than seven hundred and fifty dollars or by imprisonment
14 for not more than ten days, or both.

1 SECTION 7. Said Chapter 149, is hereby further amended by
2 striking out section 82, as so appearing and inserting in place
3 thereof the following section: —

4 Section 82. Any inspector, supervisor of attendance, superin-

5 tendent of schools or other person charged with the enforcement
6 of any of the provisions of sections sixty to eighty-three, inclusive,
7 who knowingly violates or fails to comply with any provisions of
8 said sections, shall be punished by a fine of not less than one
9 hundred dollars nor more than one thousand dollars or by
10 imprisonment for not more than two months, or both.

1 SECTION 8. Section 86 of said Chapter 149, is hereby further
2 amended by striking the second paragraph and inserting in place
3 thereof the following new paragraph: —

4 On termination of the employment of a child whose permit for
5 employment is on file said permit shall be returned by the
6 employer within two days after said termination to the office of
7 the superintendent of schools or school committee from which it
8 was issued. Any person who retains a permit for employment
9 contrary to this section shall be punished by a fine of not less than
10 fifty dollars nor more than five hundred dollars.

1 SECTION 9. Said Chapter 149 is hereby further amended by
2 striking out section 90, as so appearing and inserting in place
3 thereof the following section: —

4 Section 90. Whoever employs a child under sixteen, or
5 whoever procures, or, having under his control a child under
6 sixteen, permits him to be employed in violation of section eighty-
7 six, shall be punished by a fine of not less than two hundred dollars
8 nor more than five hundred dollars or by imprisonment for not
9 more than one month; and whoever continues to employ a child
10 under sixteen in violation of said section, after being notified
11 thereof by a supervisor of attendance or by an inspector, shall for
12 every day thereafter while such employment continues be
13 punished by a fine of not less than five hundred dollars nor more
14 than two thousand dollars or by imprisonment for not more than
15 two months; and whoever forges, or procures to be forged, or
16 assists in forging a certificate of birth or other evidence
17 of the age of such child, and whoever presents or assists in
18 presenting a forged certificate or evidence of birth to the
19 superintendent of schools or to a person authorized by law to issue
20 permits, for the purpose of fraudulently obtaining the
21 employment permit required by the provisions of section eighty-
22 six, shall be punished by a fine of not less than one hundred dollars

23 nor more than two thousand five hundred dollars or by
24 imprisonment for not more than five years, or both. Whoever,
25 being authorized to sign an employment permit, knowingly
26 certifies to any materially false statement therein shall be punished
27 by a fine of not less than one hundred dollars nor more than one
28 thousand dollars. Whoever, without authority, alters an
29 employment permit after the same is issued shall be punished by
30 a fine of two hundred and fifty dollars.

1 SECTION 10. Section ninety-one of said chapter one hundred
2 and forty-nine, as so appearing, is hereby repealed.

1 SECTION 11. Section 97 of said chapter 149, as so appearing,
2 of the General Laws is hereby amended by striking said section
3 and inserting in place thereof the following new section: —

4 Section 97. Whoever employs a minor in violation of section
5 ninety-five shall be punished by a fine of not more than one
6 thousand dollars.

1 SECTION 12. Section 98 of said chapter 149, as so appearing,
2 of the General Laws is hereby amended by striking said section
3 and inserting in place thereof the following new section: —

4 Section 98. A parent, guardian, or custodian who permits a
5 minor to be employed in violation of section ninety-five shall be
6 punished by a fine of not more than two hundred dollars. Fines
7 imposed under this and the preceding section shall enure to the
8 use of the evening schools of the town where the violation occurs.

1 SECTION 13. Section 104 of said chapter 149, as so appearing,
2 is hereby amended by striking said section and inserting in place
3 thereof the following new section: —

4 Section 104. No person shall employ a child under fifteen years
5 of age, or permit him to appear as a participant in a theatre, circus
6 or any other public exhibition as a singer, dancer, acrobat, actor
7 or in any other entertainment capacity, but this section shall not
8 prevent the education of children in vocal and instrumental music
9 or dancing or their participation in any exhibition of dancing as
10 conducted as part of its graduation exercises by a school
11 furnishing them instruction in dancing, or their participation in

12 a church, chapel, school or school exhibition, or prevent their
13 taking part in any festival, concert, or other non-commercial
14 exhibition upon the special written permission of the local
15 licensing authority; nor shall it prevent children from under fifteen
16 from taking part on the stage for a limited period in a play or
17 musical comedy in a theatre wherein not more than two
18 performances are given in any one day and not more than eight
19 performances are given in any one week if the commissioner, after
20 being satisfied that the supervision of such children is adequate,
21 that their living conditions are healthful and that their education
22 is not neglected, gives his written permission to such taking part.
23 This section shall not prevent participation of a child under fifteen
24 years of age in a fashion show, provided such child is accompanied
25 by either one of his parents. Whoever violates this section shall
26 be punished by a fine of not more than two thousand dollars or
27 by imprisonment for not more than six months.

1 SECTION 14. Sections twenty-one through twenty-six,
2 inclusive, of chapter seventy-one of the General Laws, as so
3 appearing, is here repealed.

