

# **HOUSE . . . . . No. 5630**

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## ***The Commonwealth of Massachusetts***

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HOUSE OF REPRESENTATIVES, May 9, 1988.

The committee on Commerce and Labor, to whom was referred so much of the recommendations of the Executive Office of Public Safety (House, No. 203) as relates to regulating employment practices to prevent the exploitation of minors (accompanied by bill, House, No. 208), reports recommending that the accompanying bill (House, No. 5630) ought to pass.

For the committee,

MARILYN L. TRAVINSKI.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT TO REGULATE EMPLOYMENT PRACTICES TO PREVENT THE  
EXPLOITATION OF MINORS.

*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 101 of the General Laws, as appearing  
2 in the 1986 Official Edition, is hereby amended by inserting after  
3 section 33 the following sections: —

4 Section 34. Sales of goods or periodicals door-to-door by  
5 sample, lists, catalogues, or otherwise for future delivery.  
6 Regulation of recruitment and employment practices.

7 Definitions. As used in this section, the term —

8 (1) "sales agent" means any individual under eighteen years of  
9 age who is recruited or retained by, or who represents or is in any  
10 manner associated with, whether as an employee or an  
11 independent contractor, any sales organization engaged in the sale  
12 of goods or periodicals door-to-door by sample, lists, catalogues,  
13 or otherwise for future delivery for any commercial purpose in  
14 any city or town of the Commonwealth.

15 (2) "sales organization" means any person, or representative  
16 thereof, engaged in sale of goods or periodicals door-to-door by  
17 sample, lists, catalogues, or otherwise for future delivery, or  
18 engaged in the recruitment, retention, or employment of sales  
19 agents for such purposes.

20 (3) "sales group" means any group of persons, including sales  
21 agents, who are engaged in the sale of goods or periodicals door-  
22 to-door by sample, lists, catalogues, or otherwise for future  
23 delivery and which is under the direction and supervision of a sales  
24 organization, or other person who exercises a degree of control  
25 or authority over the group.

26 Recruitment and Employment Practices.

27 No sales organization shall recruit, hire, or employ any person  
28 to engage in the sale of goods or periodicals door-to-door by sales,  
29 lists, catalogues, or otherwise for future delivery unless and until  
30 the prospective sales agent furnishes the sales organization with  
31 information sufficient to inform such sales organization of the  
32 sales agent's true age and identification.

33 Each sales organization shall:

34 (1) prior to the employment of any person under eighteen years  
35 of age, furnish to the parents or guardians of such prospective  
36 sales agent: a listing of those cities in which the sales group will  
37 be working in the four months immediately following employ-  
38 ment; the dates when the sales group shall be in each city; and  
39 the address of the sales group in each city during time the sales  
40 group is in the city.

41 (2) keep accurate accounts of sales made, lawful expenses  
42 incurred, and all amounts earned by each sales agent.

43 (3) provide to each sales agent for each pay period, but not less  
44 than once each seven days, an itemized written statement of their  
45 account.

46 (4) pay, on the same day each pay period to each sales agent,  
47 all money earned from all sales made a week or more prior thereto  
48 by such sales agent.

49 No sales organization, in carrying out out any contract,  
50 agreement, or other arrangement with any sales agent, shall  
51 engage in any of the following conduct or activity—

52 (1) threats or acts of reprisals, intimidation, or physical violence  
53 against any sales agent, or any person acting on behalf of any sales  
54 agent.

55 (2) refusal to disburse commissions, salary, compensation, or  
56 other remuneration owing to a sales agent.

57 Penalties. Any person or sales organization that violates any  
58 provision of this section shall be subject to a fine of two hundred  
59 dollars or by imprisonment for not more than six months.

60 Section 34A. Door-to-door solicitation of orders for future  
61 delivery; definitions; registration required; fee; certification;  
62 exceptions; revocation; penalty.

63 Definitions. As used in this section, the term - (1) "sales agent"  
64 means any individual under eighteen years of age who is recruited

65 or retained by, or who represents or is in any manner associated  
66 with, whether as an employee or an independent contractor, any  
67 sales organization engaged in the sale of goods or periodicals  
68 door-to-door by sample, lists, catalogues, or otherwise for future  
69 delivery of for any commercial purpose in any city or town of the  
70 Commonwealth.

71 (2) "sales organization" means any person, or representative  
72 thereof, engaged in sale of goods or periodicals door-to-door by  
73 sample, lists, catalogues, or otherwise for future delivery, or  
74 engaged in the recruitment, retention, or employment of sales  
75 agents for such purposes.

76 Each sales agent that engages in the sale of goods or periodicals  
77 door-to-door by sample, lists, catalogues, or otherwise for future  
78 delivery for any commercial purpose in any city or town of the  
79 Commonwealth shall first register with the Chief of Police or other  
80 official designated by the city council or selectboard of any city  
81 or town. The registrant shall provide two positive identifications,  
82 give his name and permanent street address, the address where  
83 he will be residing while making sales in the city or town, exemplar  
84 of signature, social security number, the name of his employer or  
85 party in whose interest said business is to be conducted, their  
86 business address, the identity and registration of any motor vehicle  
87 to be used to transport goods or persons engaged in said business,  
88 and a brief description of the nature of the goods to be sold and  
89 the proposed method of operation in the city or town. The police  
90 department shall fingerprint and photograph each registrant for  
91 the purpose of identification. The police department shall keep  
92 one copy of each photograph for a minimum of two years.

93 Each registrant shall pay a registration fee in accordance with  
94 the fees provision of section 22, except that payment of fees shall  
95 be made to the city or town.

96 If the background investigation called for above or other  
97 sources reveal a previous or current violation of any general or  
98 special law or local ordinance or by-law, by the registrant, his  
99 employer, or by the party in whose interest the business is to be  
100 conducted, or if the registrant otherwise fails to provide any of  
101 the required information, the Chief of Police or other person  
102 designated by the city council or selectboard of the city or town

103 may deny the applicant the registration. Otherwise said Chief of  
104 Police or other persons designated by the city council or  
105 selectboard of the city or town may award the applicant a  
106 registration. Each applicant who pays the registration fee shall  
107 then be furnished a certificate no later than three days after said  
108 registration indicating that he has registered and showing the dates  
109 covered by such registration. Such certificate shall be  
110 conspicuously displayed by every registered sales agent and sales  
111 organization during the registration period. The Chief of Police  
112 or other designated person may reasonably regulate the hours  
113 during which and conditions under which the registrant may  
114 engage in door-to-door selling.

115 The provisions of this chapter shall not apply to any person  
116 who goes door-to-door to sell goods or periodicals on behalf of  
117 any group organized for any of the purposes described in G.L.  
118 chapter 180, section 4 or for any political purpose, or to those  
119 covered under G.L. chapter 149, section 69.

120 Any such registration may be revoked by the Chief of Police  
121 or other designated person for good cause shown including a  
122 violation of this chapter by the registrant.

123 Any person who knowingly supplies false information on an  
124 application or who carries on the business regulated by this  
125 chapter without registering or after his or her registration is  
126 revoked or expired shall be punished by a fine of not more than  
127 two hundred dollars or by imprisonment for not more than six  
128 months.

1 SECTION 2. Chapter 101 of the General Laws, as appearing  
2 in the 1986 Official Edition, is hereby amended by striking out  
3 section 20 and inserting in place thereof the following section: —

4 Section 20. No person, having a minor under his control, shall  
5 knowingly permit him to violate any provision of section nineteen  
6 or any provision of section thirty-four A, nor shall any person  
7 procure or employ a minor to commit any such violation, nor shall  
8 any person, either for himself or as agent of any other person,  
9 furnish or sell to a minor any article the sale of which is permitted  
10 without a license by section seventeen, with knowledge that the  
11 minor would be selling such article in violation of section nineteen  
12 or in violation of section thirty-four A, or after having received

13 written notice to that effect from the school committee or any  
14 other officer charged with the enforcement of said section nineteen  
15 or said section thirty-four A. Violation of this section shall be  
16 punished by a fine of not more than two hundred dollars or by  
17 imprisonment for not more than six months.

1 SECTION 3. Chapter 101 of the General Laws, as appearing  
2 in the 1986 Official Edition, is hereby amended by striking out  
3 section 21 and inserting in place thereof the following section: —

4 Section 21. Whoever employs a minor in, or, having the care  
5 or custody of a minor, permits him to engage in, hawking or  
6 peddling without a license, if one is required, or permits him to  
7 engage in selling door-to-door by sample, lists, catalogues or  
8 otherwise for future delivery without a certificate pursuant to  
9 section thirty-four A, or for himself or as agent of any other  
10 person, furnishes or sells to a minor any article with knowledge  
11 that the minor would be selling such article in violation of the  
12 provisions of this chapter relative to hawkers and peddlers or in  
13 violation of the provisions of this chapter relative to those who  
14 sell door-to-door by sample, lists, catalogues or otherwise for  
15 future delivery, shall be punished by a fine of not more than two  
16 hundred dollars, to be equally divided between the commonwealth  
17 and the town in which the offense was committed, or by  
18 imprisonment for not more than six months.

1 SECTION 4. Chapter 101 of the General Laws, as appearing  
2 in the 1986 Official Edition, is hereby amended by striking out  
3 section 31 and inserting in place thereof the following section: —

4 Section 31. Whoever counterfeits or forges a license, or a  
5 certificate of kind issued pursuant to section thirty-four A, or has  
6 a counterfeited or forged license or certificate in his possession  
7 with intent to utter or use the same as true, knowing it to be false  
8 or counterfeit, or attempts to sell under a license or certificate with  
9 intent to use the same, shall be punished by a fine of not more  
10 than one hundred thousand dollars, or of imprisonment for not  
11 more than 6 months, or both.

1 SECTION 5. Chapter 101 of the General Laws, as appearing  
2 in the 1986 Official Edition, is hereby amended by striking out  
3 section 32 and inserting in place thereof the following section: —

4 Section 32. The director, inspectors or standards and, within  
5 their respective jurisdictions, sealers or deputy sealers of weights  
6 and measures, constables and police officers shall arrest and  
7 prosecute every hawker and peddler, and transient vendor, whom  
8 they mave have reason to believe are violating any provision of  
9 this chapter. The Chief of Police, police officers, and other  
10 officials that may be designated by the city council or selectboard  
11 of the city or town, may arrest and prosecute every person who  
12 engages in the sale of goods door-to-door for future delivery in  
13 their respective towns, whom they may have reason to believe are  
14 violating any provision of this chapter.

The first part of the report deals with the general situation in the country. It is noted that the economy is still in a state of depression, and that the government is struggling to meet its obligations. The report also mentions the need for a more efficient administration and the importance of maintaining law and order.

1. The first part of the report deals with the general situation in the country.
2. It is noted that the economy is still in a state of depression.
3. The government is struggling to meet its obligations.
4. The report also mentions the need for a more efficient administration.
5. The importance of maintaining law and order is emphasized.
6. The second part of the report deals with the financial situation.
7. It is noted that the government has a large deficit.
8. The report also mentions the need for a more efficient financial system.
9. The importance of maintaining a sound financial policy is emphasized.
10. The third part of the report deals with the social situation.
11. It is noted that the population is still suffering from poverty.
12. The report also mentions the need for a more efficient social system.
13. The importance of maintaining a sound social policy is emphasized.

The report concludes by stating that the government must take immediate action to address these issues. It is recommended that the government should implement a series of reforms to improve the economy, the financial system, and the social system. The report also mentions the need for a more efficient administration and the importance of maintaining law and order.