

By Mr. Valianti of Marlborough, petition of the Massachusetts AFL-CIO and Daniel J. Valianti 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-Five.

AN ACT RELATIVE TO THE CHILD LABOR LAWS OF 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, section 54 of the General Laws, as
2 appearing in the 1992 Official Edition of the Massachusetts
3 General Laws, is hereby amended by striking said section and
4 inserting in place thereof the following new section: —

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

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

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

1 SECTION 3. Chapter 149, section 78 of the General Laws, as
2 so appearing, is hereby amended by striking said section and
3 inserting in place thereof the following new 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 hun-
9 dred dollars or by imprisonment for not more than one month, or
10 both, and for a subsequent offense by a fine of not less than five
11 hundred dollars nor more than two thousand dollars or by impris-
12 onment for not more than two months, or both. The employment
13 of any minor in violation of any provision of said sections, after
14 the person employing such minor has been notified thereof in
15 writing by an authorized inspector or supervisor of attendance,
16 shall constitute a separate offense for every day during which the
17 employment continues. Violations of sections sixty to seventy-
18 four, inclusive, or of section one hundred and four shall be
19 reported by the department to the department of industrial accidents.

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

1 SECTION 4. Chapter 149, section 79 of the General Laws, as
2 so appearing, is hereby amended by striking said section and
3 inserting in place thereof the following new 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 or
7 supervisor from any place which such inspector or other autho-
8 rized representative of the department or supervisor is authorized
9 to inspect, or refuses to give to such inspector or authorized rep-
10 resentative of the department or supervisor such information as
11 may be required for the proper enforcement of the provisions of,

12 or any rule or regulation adopted under, this chapter shall be pun-
13 ished by a fine of not less than two hundred dollars nor more that
14 two thousand dollars or by imprisonment for not more than two
15 months, or both.

1 SECTION 5. Chapter 149, section 80 of the General Laws, as
2 so appearing, is hereby amended by striking said section and
3 inserting in place thereof the following new 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-
7 nine to seventy-three, inclusive, or after having received written
8 notice 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. Chapter 149, section 81 of the General Laws, as
2 so appearing, is hereby amended by striking said section and
3 inserting in place 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 in
6 violation of any provision of sections sixty to seventy-four, inclu-
7 sive, or knowingly certifies to any materially false statement for
8 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 five hundred dollars nor more than five hundred dollars or by
11 imprisonment for not more than five days, or both; and for a sub-
12 sequent offense by a fine of not less than two hundred dollars nor
13 more than seven hundred and fifty dollars or by imprisonment for
14 not more than ten days, or both.

1 SECTION 7. Chapter 149, section 82 of the General Laws, as
2 so appearing, is hereby amended by striking said section and
3 inserting in place thereof the following new section:—

4 Section 82. Any inspector, supervisor of attendance, superin-
5 tendent of schools or other person authorized to issue badges
6 required by section seventy, or any other person charged with the
7 enforcement of any of the provisions of sections sixty to eighty-

8 three, inclusive, who knowingly violates or fails to comply with
9 any provisions of said sections, shall be punished by a fine of not
10 less than one hundred dollars nor more than one thousand dollars
11 or by imprisonment for not more than two months, or both.

1 SECTION 8. Chapter 149, section 83 of the General Laws, as
2 so appearing, is hereby amended by striking said section and
3 inserting in place thereof the following new section:—

4 Section 83. Any minor who engages in any of the trades or
5 occupations mentioned in section sixty-nine in violation of any
6 provision of sections sixty-nine, seventy, or seventy-two to
7 seventy-four, inclusive, shall for the first offense be warned by
8 the supervisors of officers mentioned in section seventy-seven,
9 and the parent, guardian or custodian shall be notified. In the case
10 of a second violation, such minor may be arrested and dealt with
11 as a delinquent child, or, if over seventeen, shall be punished by a
12 fine not exceeding seventy-five dollars. Upon the recommenda-
13 tion of the principal or chief executive officer of the school which
14 such minor attends, or upon the complaint of any supervisor of
15 attendance, police officer or probation officer, the badge of any
16 minor violating any provision of sections seventy to seventy-
17 three, inclusive, or who becomes delinquent or fails to comply
18 with all legal requirements concerning school attendance, may be
19 revoked for fifteen months by the officer issuing the same and the
20 badge taken from such minor. If any minor refuses to surrender
21 such badge, or works at any of the occupations mentioned in sec-
22 tion sixty-nine after notice of the revocation of the badge, he shall
23 be deemed to have violated section seventy.

1 SECTION 9. Chapter 149, section 86 of the General Laws, as
2 so appearing, is hereby amended by striking the second paragraph
3 of said section and inserting in place thereof the following new
4 paragraph:—

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

1 SECTION 10. Chapter 149, section 90 of the General Laws, as
2 so appearing, is hereby amended by striking said section and
3 inserting in place thereof the following new section:—

4 Section 90. Whoever employs a child under sixteen, or who-
5 ever procures, or, having under his control a child under sixteen,
6 permits him to be employed in violation of section eighty-six,
7 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 pun-
13 ished by a fine of not less than five hundred dollars nor more than
14 two thousand dollars or by imprisonment for not more than two
15 months; and whoever forges, or procures to be forged, or assists
16 in forging a certificate of birth or other evidence of the age of
17 such child, and whoever presents or assists in presenting a forged
18 certificate of evidence of birth to the superintendent of schools or
19 to a person authorized by law to issue permits, for the purpose of
20 fraudulently obtaining the employment permit required by section
21 eighty-six, shall be punished by R fine of not less than one hun-
22 dred dollars nor more than two thousand and five hundred dollars
23 or by imprisonment for not more than five years, or both.
24 Whoever, being authorized to sign an employment permit, know-
25 ingly certifies to any materially false statement therein shall be
26 punished by a fine of not less than one hundred dollars nor more
27 than one thousand dollars. Whoever, without authority, alters an
28 employment permit after the same is issued shall be punished by a
29 fine of two hundred and fifty dollars.

1 SECTION 11. Section ninety-one of said chapter one hundred
2 and forty-nine, as so appearing, is hereby repealed.

1 SECTION 12. Chapter 149, section 98 of the General Laws, as
2 so appearing, is hereby amended by striking out said section and
3 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 inure to the
8 use of the evening schools of the town where the violation occurs.

1 SECTION 13. Chapter 149, section 104 of the General Laws,
2 as so appearing, is hereby amended by striking said section and
3 inserting in place 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 or
7 in any other entertainment capacity, but section shall not prevent
8 the education of children in vocal and instrumental music or
9 dancing or their participation in any exhibit of dancing as con-
10 ducted as part of its graduation exercises by a school furnishing
11 them instruction in dancing, or their participation in a church,
12 chapel, school or school exhibition or prevent their taking part in
13 any festival, concert or other non-commercial exhibition upon the
14 special written permission of the local licensing authority; nor
15 shall it prevent children under fifteen from taking part on the
16 stage for a limited period in a play or musical comedy in a theatre
17 wherein not more than two performances are given in any one day
18 and not more than eight performances are given in any one week
19 if the commissioner, after being satisfied that the supervision of
20 such children is adequate, that their living conditions are healthful
21 and that their education is not neglected, gives his written permis-
22 sion to take such part. This section shall not prevent participation
23 of a child under fifteen years of age in a fashion show, provided
24 such child is accompanied by either one of his parents. Whoever
25 violates this section shall be punished by a fine of not more than
26 two thousand dollars or by imprisonment for not more than six
27 months.

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

