

By Mr. Bosley of North Adams, petition of Daniel E. Bosley and Stephen M. Brewer 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-Four.

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 1988 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
11 in 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
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 the stopping of
10 machinery, shall be punished by a fine of not less than two
11 hundred and fifty dollars nor more than 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
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. 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
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 to such inspector or

10 authorized representative of the department or supervisor such
11 information as may be required for the proper enforcement of the
12 provisions of, or any rule or regulation adopted under, this
13 chapter shall be punished by a fine of not less than two hundred
14 dollars nor more than two thousand dollars or by imprisonment
15 for not more than two 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-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. 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
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 five 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. 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 seventy-
7 four, inclusive, shall for the first offense be warned by the
8 supervisors of officers mentioned in section seventy-seven, and the
9 parent, guardian or custodian shall be notified. In the case of a
10 second violation, such minor may be arrested and dealt with as
11 a delinquent child, or, if over seventeen, shall be punished by a
12 fine not exceeding seventy-five dollars. Upon the recommendation
13 of the principal or chief executive officer of the school which such
14 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-three,
17 inclusive, or who becomes delinquent or fails to comply with all
18 legal requirements concerning school attendance, may be revoked
19 for fifteen months by the officer issuing the same and the badge
20 taken from such minor. If any minor refuses to surrender such
21 badge, or works at any of the occupations mentioned in section
22 sixty-nine after notice of the revocation of the badge, he shall be
23 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,
2 as 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
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 of the age
17 of such child, and whoever presents or assists in presenting a
18 forged certificate of evidence of birth to the superintendent of
19 schools or to a person authorized by law to issue permits, for the
20 purpose of fraudulently obtaining the employment permit
21 required by section eighty-six, shall be punished by a fine of not
22 less than one hundred dollars nor more than two thousand and
23 five hundred dollars or by imprisonment for not more than five
24 years, or both. Whoever, being authorized to sign an employment
25 permit, knowingly certifies to any materially false statement
26 therein shall be punished by a fine of not less than one hundred
27 dollars nor more than one thousand dollars. Whoever, without
28 authority, alters an employment permit after the same is issued
29 shall be punished by a 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,
2 as so appearing, is hereby amended by striking out 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. 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
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 exhibit 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 under fifteen from
16 taking part on the stage for a limited period in a play or musical
17 comedy in a theatre wherein not more than two performances are
18 given in any one day and not more than eight performances are
19 given in any one week if the commissioner, after being satisfied
20 that the supervision of such children is adequate, that their living
21 conditions are healthful and that their education is not neglected,
22 gives his written permission to take such part. This section shall
23 not prevent participation of a child under fifteen years of age in
24 a fashion show, provided such child is accompanied by either one
25 of his parents. Whoever violates this section shall be punished by
26 a fine of not more than two thousand dollars or by imprisonment
27 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 hereby repealed.

