

HOUSE No. 1285

By Mr. Bosley of North Adams, a petition (accompanied by bill, House, No. 1285) of Daniel E. Bosley relative to entertainment contracts for performances by minors. The Judiciary.

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel E. Bosley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

Relative to entertainment contracts for performances by minors.

PETITION OF:

NAME:

Daniel E. Bosley

DISTRICT/ADDRESS:

1st Berkshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

RELATIVE TO ENTERTAINMENT CONTRACTS FOR PERFORMANCES BY 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. Section 85P½ of chapter 231 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

3 (b) The provisions of subsection (a) shall not apply to the participation or employment, use or exhibition
4 of a child in a church academy or school, including a dancing or dramatic school, as part of the regular
5 services or activities thereof respectively; or in the annual graduation exercises of any such academy or
6 school; or in a private home; or in any place where such performance is under the direction, control or
7 supervision of a school department; or for recitals given in connection with private instruction associated
8 with a continuing education course of study; or in the performance of radio or television programs in
9 cases where the child or children broadcasting do so from a school, church, academy, museum, library or
10 other religious, civic or educational institution, or for not more than 2 hours a week from the studios of a
11 regularly licensed broadcasting company, or where the child participates or is employed, used, or
12 exhibited in any motion picture, film, theatrical presentation or radio or television broadcast or program
13 where the child is exclusively used for the limited purpose of: an extra player, a day player, a stunt day
14 player, or on-camera narrator or spokesperson on videotape, audiotape or motion picture film, wherein
15 said limited use accumulates to no more than \$500 earned by the child from his or her employment and
16 occurs during hours when attendance for instruction is not required in accordance with law, or where the
17 performance of a child is of a nonprofessional character and occurs during hours when attendance for
18 instruction is not required in accordance with law.

19 For the purposes of this subsection, an "extra player" means a performer who is used for the limited
20 purposes of an "extra" or "audience" or "atmosphere" where the child is part of a group or background
21 scene; a "day player" means a performer who is seen and who may speak a line or lines of dialogue and
22 who is compensated in one day increments; a "stunt day player" means a performer who performs

- 23 identifiable stunts which illustrates or reacts to on or off-camera narration or messages and who is
24 compensated by the day, an "on-camera narrator or spokesperson" means a performer who explains, or
25 demonstrates, substantially in monologue.
- 26 SECTION 2. Subsection (d) of said section 85P½ of said chapter 231 of the General Laws, as so
27 appearing, is hereby amended by striking out, in line 75, the words "have the power to".
- 28 SECTION 3. Subdivision (1) of said subsection (d) of said section 85P½ of said chapter 231 of the
29 General Laws, as so appearing, is hereby amended by inserting after the word "aside", in line 84, the
30 following words:- saved, prudently invested and distributed to the child at age eighteen.
- 31 SECTION 4. Clause (ii) of subdivision (2) of said subsection (d) in said section 85P½ of said chapter 231
32 of the General Laws, as so appearing, is hereby amended by striking out, in lines 105 to 106, the words
33 "the parties who are entitled to the child's earnings, and, if the child is not so entitled."
- 34 SECTION 5. Clause (iv) of said subdivision (2) of said subsection (d) in said section 85P½ of said
35 chapter 231 of the General Laws, as so appearing, is hereby amended by inserting after the word
36 "deposit", in line 111, the following words:- after consideration of reasonable expenses associated with
37 the child's professional status as an entertainer or legal obligations unrelated to the child's professional
38 status as an entertainer which the child is required to meet.
- 39 SECTION 6. Subsection (f) of said section 85P½ of said chapter 231 of the General Laws, as so
40 appearing, is hereby amended by striking out, in lines 145 to 149 inclusive, the words "revoke approval of
41 the contract, or modify its terms if assented to by both parties, if the court finds that the well being of the
42 child requires such disapproval" and inserting in place thereof the following words:- either revoke
43 approval of the contract in its entirety or modify its terms if the court finds that the well being of the child
44 so requires and provided further that.