

**HOUSE . . . . . No. 1285**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act [Title].

*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  
2 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof  
3 the following subsection:-

4 (b) The provisions of subsection (a) shall not apply to the participation or employment,  
5 use or exhibition of a child in a church academy or school, including a dancing or dramatic  
6 school, as part of the regular services or activities thereof respectively; or in the annual  
7 graduation exercises of any such academy or school; or in a private home; or in any place where  
8 such performance is under the direction, control or supervision of a school department; or for  
9 recitals given in connection with private instruction associated with a continuing education  
10 course of study; or in the performance of radio or television programs in cases where the child or  
11 children broadcasting do so from a school, church, academy, museum, library or other religious,  
12 civic or educational institution, or for not more than 2 hours a week from the studios of a  
13 regularly licensed broadcasting company, or where the child participates or is employed, used, or  
14 exhibited in any motion picture, film, theatrical presentation or radio or television broadcast or

15 program where the child is exclusively used for the limited purpose of: an extra player, a day  
16 player, a stunt day player, or on-camera narrator or spokesperson on videotape, audiotape or  
17 motion picture film, wherein said limited use accumulates to no more than \$500 earned by the  
18 child from his or her employment and occurs during hours when attendance for instruction is not  
19 required in accordance with law, or where the performance of a child is of a nonprofessional  
20 character and occurs during hours when attendance for instruction is not required in accordance  
21 with law.

22 For the purposes of this subsection, an "extra player" means a performer who is used for  
23 the limited purposes of an "extra" or "audience" or "atmosphere" where the child is part of a  
24 group or background scene; a "day player" means a performer who is seen and who may speak a  
25 line or lines of dialogue and who is compensated in one day increments; a "stunt day player"  
26 means a performer who performs identifiable stunts which illustrates or reacts to on or off-  
27 camera narration or messages and who is compensated by the day, an "on-camera narrator or  
28 spokesperson" means a performer who explains, or demonstrates, substantially in monologue.

29 SECTION 2. Subsection (d) of said section 85P½ of said chapter 231 of the General  
30 Laws, as so appearing, is hereby amended by striking out, in line 75, the words "have the power  
31 to".

32 SECTION 3. Subdivision (1) of said subsection (d) of said section 85P½ of said chapter  
33 231 of the General Laws, as so appearing, is hereby amended by inserting after the word "aside",  
34 in line 84, the following words:- saved, prudently invested and distributed to the child at age  
35 eighteen.

36 SECTION 4. Clause (ii) of subdivision (2) of said subsection (d) in said section 85P½ of  
37 said chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in  
38 lines 105 to 106, the words “the parties who are entitled to the child’s earnings, and, if the child  
39 is not so entitled.”

40 SECTION 5. Clause (iv) of said subdivision (2) of said subsection (d) in said section  
41 85P½ of said chapter 231 of the General Laws, as so appearing, is hereby amended by inserting  
42 after the word “deposit”, in line 111, the following words:- after consideration of reasonable  
43 expenses associated with the child’s professional status as an entertainer or legal obligations  
44 unrelated to the child’s professional status as an entertainer which the child is required to meet.

45 SECTION 6. Subsection (f) of said section 85P½ of said chapter 231 of the General  
46 Laws, as so appearing, is hereby amended by striking out, in lines 145 to 149 inclusive, the  
47 words “revoke approval of the contract, or modify its terms if assented to by both parties, if the  
48 court finds that the well being of the child requires such disapproval” and inserting in place  
49 thereof the following words:- either revoke approval of the contract in its entirety or modify its  
50 terms if the court finds that the well being of the child so requires and provided further that.