

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sixty - Third Legislature.

HOUSE.

No. 160.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-SEVEN.

AN ACT to regulate the Hours of Labor and the
employment of Women and Children in manufactur-
ing and mechanical establishments.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. No minor under eighteen years of
2 age and no woman shall be employed in laboring in
3 any manufacturing or mechanical business or estab-
4 lishment in this State, more than ten hours in any
5 one day, except when it is necessary to make re-
6 pairs to prevent the interruption of the ordinary
7 running of the machinery, or when a different ap-
8 portionment of the hours of labor is made for the
9 sole purpose of making a shorter day's work for

10 one day of the week; and in no case shall the hours
11 of labor exceed sixty in a week; *provided* that the
12 foregoing prohibition shall not apply to any manu-
13 facturing establishment the materials and products
14 of which are perishable and require immediate
15 labor thereon to prevent decay thereof. And no
16 male person eighteen years and over shall be so
17 employed as above unless he voluntarily contracts
18 to do so, and in such case he shall receive extra
19 compensation for his services.

SECT. 2. Every employer shall post in a con-
2 spicuous place in every room where such persons
3 are employed a notice printed in plain, large type,
4 stating the number of hours' work required of
5 them on each day of the week, the exact time for
6 commencing work in the morning, stopping at noon
7 for dinner, commencing after dinner, and stopping
8 at night; the form of such printed notice shall be
9 furnished by the Deputy Commissioner of Labor
10 hereafter named and shall be approved by the Attor-
11 ney General. And the employment of any such per-
12 son for a longer time in any day than that so stated
13 shall be deemed a violation of section one, unless
14 it appears that such employment is to make up for
15 time lost on some previous day of the same week
16 in consequence of the stopping of machinery upon

17 which such person was employed or dependent for
18 employment. It shall not be construed to be a
19 violation of this act that the motive power in any
20 manufacturing or mechanical business or establish-
21 ment is set in motion ten minutes before the time
22 fixed for beginning labor for the sole purpose of
23 obtaining speed.

SECT. 3. Whoever, either for himself or as
2 superintendent, overseer; or agent of another
3 employs or has in his employment any person in vio-
4 lation of the provisions of section one; and every
5 parent or guardian who permits any minor to be so
6 employed, shall be punished by a fine of not less
7 than twenty-five dollars, nor more than fifty dol-
8 lars for each offence. A certificate of the age of
9 a minor made by him and by his parent or guardian
10 at the time of his employment shall be conclusive
11 evidence of his age in behalf of the hirer upon
12 any prosecution for a violation of the provisions of
13 section one. Whoever falsely makes and utters
14 such a certificate with an intention to evade the
15 provisions of this act, shall be subject to a fine of
16 one hundred dollars.

SECT. 4. It shall be lawful for any person, firm
2 or corporation engaged in any manufacturing or
3 mechanical business to contract with adult or minor

4 employes to give one week's notice of intention on
5 such employe's part to quit such employment under
6 a penalty of forfeiture of one week's wages. In
7 such case the employer shall be required to give a
8 like notice of intention to discharge the employe;
9 and on failure shall pay to such employe a sum
10 equal to one week's wages. No such forfeiture
11 shall be enforced when the leaving or discharge of
12 the employe is for a reasonable cause.

SECT. 5. No child under twelve years of age
2 shall be employed in any manufacturing or mechani-
3 cal business or establishment in this State. Who-
4 ever either for himself, or as superintendent, over-
5 seer, or agent of another, employs or has in his
6 employment any child in violation of the provisions
7 of this section, and every parent or guardian who
8 permits any child to be so employed shall be pun-
9 ished by a fine of not less than twenty-five nor
10 more than fifty dollars for each offence.

SECT. 6. No child under fifteen years of age
2 shall be employed in any manufacturing or mechan-
3 ical business or establishment in this State, except
4 during vacations of the public schools in the city
5 or town in which he resides, unless during the year
6 next preceding the time of such employment he
7 has for at least sixteen weeks attended some public

8 or private school, eight weeks of which shall be
9 continuous; nor shall such employment continue
10 unless such child in each and every year attends
11 some public or private school for at least sixteen
12 weeks, and no child shall be so employed who does
13 not present a certificate made under or by the direc-
14 tion of the school committee, superintendent of the
15 public schools, or the teacher of a private school
16 that such child has so attended school. And it
17 shall be the duty of such committee, superintend-
18 ent or teacher, to furnish such a certificate in ac-
19 cordance with the fact upon request and without
20 charge. *Provided*, that this section shall not take
21 effect until January 1st, 1888.

SECT. 7. Any parent or guardian who procures
2 a child to be employed contrary to section six, and
3 any corporation, owner, superintendent or agent of
4 the owner, of such establishment violating the pro-
5 visions of said section shall forfeit the sum of one
6 hundred dollars, one-half to the use of the county,
7 and one-half to the use of the city or town where
8 the offence is committed. Money so recovered to
9 the use of the city or town shall be added to its
10 school money. It shall be the duties of the school
11 committees and superintendent of public schools
12 to inquire into violations of said section and report

13 the same to the county attorney, who shall prose-
14 cute therefor.

SECT. 8. Every owner, superintendent or over-
2 seer of any such manufacturing or mechanical
3 business or establishment shall require and keep on
4 file a certificate of the age and place of birth of
5 every child under sixteen years of age employed
6 therein so long as such child is so employed, which
7 certificate shall also state in the case of a child
8 under fifteen years of age the amount of his school
9 attendance during the year next preceding such
10 employment. Said certificate shall be signed by a
11 member of the school committee of the place where
12 such attendance has been had, or by some one
13 authorized by such committee, and the form of
14 said certificate shall be furnished by the State
15 Superintendent of Schools and shall be approved
16 by the Attorney General. The deputy commis-
17 sioner of labor hereinafter named or either of his
18 assistants may demand the names of the children
19 under sixteen years employed in such business or
20 establishment in the several cities and towns of the
21 State, and may require that the certificates of age
22 and school attendance prescribed in this section
23 shall be produced for his inspection, and a failure

24 to produce the same shall be *prima facie* evidence
25 that the employment of such child is illegal.

SECT. 9. The Governor, by and with the advice
2 and consent of the Council, shall appoint a deputy
3 commissioner of labor at a salary of one thousand
4 dollars a year, who shall hold office for two years,
5 or until his successor is appointed, unless sooner
6 removed. It shall be the duty of the deputy com-
7 missioner of labor to enquire into any violations
8 of this act, and also to assist in the collection of
9 statistics and other information which may be
10 required, for the use of the Bureau of Industrial
11 and Labor Statistics. And said deputy commis-
12 sioner shall, in addition to his salary provided by
13 law, be allowed his reasonable expenses. When-
14 ever the Governor of this State shall be satisfied
15 that the deputy commissioner of labor cannot per-
16 form all the duties of his said office required by this
17 section, in person, he shall, with the advice and
18 consent of the Council, appoint a sufficient num-
19 ber of assistant deputies to assist him in so doing.
20 Said assistants shall hold their office for the term
21 of two years, and act under the direction of said
22 deputy commissioner of labor, and shall receive the
23 sum of two dollars per day and reasonable ex-
24 penses while actually engaged in duty. Said as-

25 sistants may at any time be removed for cause by
26 the Governor. All bills for the expenses of
27 the deputy commissioner of labor and for the
28 services and expenses of such assistant dep-
29 uties shall be audited by the Council. For the
30 purpose of inquiring into any violation of the pro-
31 visions of this Act, and enforcing the penalties
32 thereof, such deputy commissioner and assistants
33 may, at all reasonable times, enter any manufac-
34 turing or mechanical establishment and make in-
35 vestigation concerning such violations. Such in-
36 vestigation shall be conducted with as little inter-
37 ruption as possible to the prosecution of the busi-
38 ness of such establishment. Whoever interferes
39 with said deputy commissioner or his assistants in
40 the performance of their duties as prescribed in
41 this Act, shall be fined fifty dollars.

SECT. 10. This act shall take effect July 1st,
2 1887.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 23, 1887. }

Reported from Committee on Labor by Mr. LOONEY of Portland; or-
dered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*

Printed to accompany House Doc. No. 160, the "Looney Bill," so called.

Senate Amendments Adopted, House Document No. 160.

E. Amend section one by striking out all after the word "week" in the eleventh line to "and" in the fifteenth.

C. Amend line 17, of section one, by inserting the words 'during minority' after the word "day."

Insert in line 18 after the word "so," 'with the consent of his parents or one of them, if any, or guardian.'

A. Add to the end of section one, '*Provided, however,* any female of eighteen years of age or over may lawfully contract for such labor for any number of hours in excess of ten hours per day not exceeding six hours in any one week or sixty hours in any one year, receiving additional compensation therefor, but during her minority the consent of her parents or one of them, if any, or guardian shall be first obtained.'

G. Amend section two by striking out all after the word "employment" in line 18.

J. Strike out section four.

K. Strike out sections six and eight and insert Section 6. 'No child under fifteen years of age shall be employed in any manufacturing or mechanical establishment, except when the public day schools in the city, town or school district in which he resides are not in session.'

B. Section 10. Nothing in this act shall apply to any manufacturing establishment or business, the materials and products of which are perishable and require immediate labor thereon to prevent decay thereof or damage thereto.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 8, 1887. }

Bill tabled and Senate amendments ordered printed, on motion of Mr.
POWERS of Houlton.

NICHOLAS FESSENDEN, *Clerk.*