

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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Sixty - Third Legislature.

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HOUSE.

No. 162.

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STATE OF MAINE.

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

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AN ACT to regulate the Hours of Labor of men, women  
and children in manufacturing and mechanical establish-  
ments.

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

SECTION 1. No person except firemen, watchmen and  
2 engineers shall be employed in laboring in any manu-  
3 facturing or mechanical establishment or business, more  
4 than ten hours in any one day; *provided*, that the fore-  
5 going prohibition shall not apply when a different appor-  
6 tionment of the hours of labor is made for the sole pur-  
7 pose of making a shorter day's work for one day of the  
8 same week; and also when it is necessary to make repairs  
9 to prevent interruption of the ordinary running of machin-  
10 ery, and also when the employment is to make up for lost  
11 time on some previous day of the same week in conse-

12 quence of the necessary stopping of machinery upon which  
13 such person is employed or dependent for employment;  
14 and in no case shall the hours of labor exceed sixty in a  
15 week except as hereinafter provided.

SECT. 2. No child under twelve years of age shall be  
2 employed in laboring in any manufacturing or mechanical  
3 establishment or business. No child under fifteen years  
4 of age shall be so employed except when the public  
5 schools in the city or town in which he resides are not in  
6 session. A certificate of the age of a minor made by his  
7 parents or guardian, or if none, by himself, at the time  
8 of his employment, shall be *prima facie* evidence of his  
9 age in behalf of the hirer.

SECT. 3. Every employer shall post in a conspicuous  
2 place in each room where any person is employed, a notice  
3 printed in large, plain type, stating the number of hours  
4 of labor required of them on each day of the week, the  
5 time of commencing and stopping work, the time of start-  
6 ing and stopping machinery, and the time to be taken for  
7 dinner. And the employment of any person for a longer  
8 time in any day than is therein stated shall be deemed to  
9 be a violation of section one.

SECT. 4. If any person of the age of twenty-one years  
2 and upwards, employed in laboring under the schedule of  
3 time required by section three of this act, shall, while so  
4 employed, by an independent and subsequent contract  
5 agree to labor extra hours beyond the time covered by  
6 said schedule and shall receive additional compensation  
7 therefor, the original contract then and thereafter remain-  
8 ing in force, and such independent and subsequent con-  
9 tract is made in good faith and with no intent to evade the

10 provisions of this act, and the labor performed thereun-  
11 der during any consecutive three months shall be per-  
12 formed upon not more than thirty different days, then any  
13 labor so performed upon any or all of said thirty days shall  
14 not be deemed to be in violation of this act. Any minor  
15 of the age of eighteen years and upwards, may make the  
16 contracts authorized by this section, with the consent of  
17 his parent or guardian, if any, and if none or if emanci-  
18 pated, then by himself.

SECT. 5. If any corporation, or owner, or any super-  
2 intendent, overseer or other agent of any corporation or  
3 owner, employs or has in his or its employment any per-  
4 son in violation of this act, it or he shall forfeit not less  
5 than twenty-five nor more than fifty dollars for each of-  
6 fence. Every parent or guardian who permits any minor  
7 to be so employed, and any person, who falsely makes and  
8 utters the certificate authorized by section two with intent  
9 to evade the provisions of this act, shall be punished by a  
10 fine of not less than twenty-five nor more than fifty dol-  
11 lars for each offence.

SECT. 6. Nothing in this act shall apply to any manu-  
2 facturing establishment or business, the materials and  
3 products of which are perishable and require immediate  
4 labor thereon to prevent decay thereof.

SECT. 7. No person, firm or corporation engaged in any  
2 manufacturing or mechanical business, shall require from  
3 any person in his or its employment a penalty for failure  
4 to give a notice of intention to leave such employment.  
5 If any employe leaves such employment without giving  
6 notice of his intention so to leave, he shall be liable only  
7 for the actual damages sustained by such leaving, if the

8 same was a breach of contract. No contract providing  
9 that the whole or part of any wages earned shall be for-  
10 feited by way of penalty for failure to give notice of in-  
11 tention to leave such employment shall be valid.

SECT. 8. Trial justices and judges of municipal and  
2 police courts shall have jurisdiction original and concur-  
3 rent with the supreme judicial and superior courts of all  
4 prosecutions under this act with the right of appeal as in  
5 other criminal cases. Whenever a prosecution is insti-  
6 tuted against any corporation, process may be served upon  
7 it as in civil actions and on failure to appear, its default  
8 shall be entered and judgment rendered accordingly, and  
9 the court shall order execution as in civil actions to issue  
10 in favor of the State for any judgment rendered in favor  
11 of the State against any corporation adjudged guilty of  
12 any violation of this act on default or otherwise for the  
13 penalty and costs. Whenever the Governor is, after in-  
14 vestigation and hearing, satisfied that any county attorney  
15 has wilfully refused or neglected to discharge any duty  
16 imposed upon him by reason of this act, he shall remove  
17 him from office and fill his place by appointment.

SECT. 9. Whenever a person has been convicted of a  
2 violation of this act, the county attorney shall have him  
3 sentenced at the same term, unless for reasons satisfactory  
4 to the court the case is continued for sentence one term,  
5 but no longer.

SECT. 10. Within thirty days after this act takes effect,  
2 the Governor, with the advice and consent of the Council,  
3 shall appoint a commissioner of labor, who shall hold office  
4 until the first day of January, A. D. 1889, unless sooner  
5 removed by the Governor for cause and the vacancy filled

6 by appointment. At the next State election in the year  
7 one thousand eight hundred and eighty-eight, and bienni-  
8 ally thereafter, a commissioner of labor shall be elected  
9 and notified, his election determined and vacancies filled  
10 in the same manner, and he shall enter upon the discharge  
11 of his duties at the same time, as is provided respecting  
12 county commissioners by chapter seventy-eight of the Re-  
13 vised Statutes, but such commissioner of labor, and his  
14 successors, shall hold office but two years. He shall in-  
15 quire into violations of this act and faithfully enforce all  
16 its provisions. He shall receive an annual salary of one  
17 thousand dollars, and his reasonable expenses, payable  
18 quarterly from the State treasury.

SECT. 11. Upon petition of thirty legal voters in any  
2 city or town, where any establishment affected by this act  
3 exists, the municipal officers thereof shall issue a warrant  
4 for a special city or town election to take place within  
5 thirty days from the receipt of such petition for the pur-  
6 pose of electing a deputy commissioner of labor. Depu-  
7 ties so elected shall hold office for the term of two years  
8 from the date of such election and may be removed by  
9 the Governor for cause, who shall then direct the munici-  
10 pal officers to order a special election to fill the vacancy  
11 so made. All elections under this section shall be notified,  
12 warned and held as other municipal elections in such city  
13 or town. The person receiving the highest number of  
14 votes shall be declared elected, and he shall be sworn and  
15 qualified as other town officers. Said deputies shall act  
16 under the direction of the commissioner of labor, and  
17 shall make investigation into all violations of this act  
18 within their respective cities or towns. They shall receive

19 the sum of two dollars per day while actually engaged in  
20 duty, and their reasonable expenses, all to be audited by  
21 the municipal officers and paid from the treasury of the  
22 city or town.

SECT. 12. For the purpose of enforcing this act, and  
2 inquiring into any violations thereof, such commissioner  
3 and his deputies may enter any manufacturing or mechan-  
4 ical establishment between the hours of six o'clock A. M.,  
5 and nine o'clock P. M., and make investigation as to the  
6 employment of persons as provided in this act. When  
7 the age of any child employed in violation of this act has  
8 been judicially determined, such commissioner or his  
9 deputy or truant officer may remove such child from any  
10 establishment wherein he is subsequently employed un-  
11 lawfully. Such investigations shall be conducted with as  
12 little interference as possible to the prosecution of the  
13 business of any establishment where made. Whoever  
14 interferes with said commissioner or his deputies in the  
15 performance of any duty under this act shall be fined one  
16 hundred dollars.

SECT. 13. Said commissioner shall have power to sum-  
2 mon witnesses in any investigation authorized by section  
3 eight, and compel their attendance before him to give  
4 testimony relating thereto. Such witnesses shall be  
5 paid one dollar and fifty cents per day and actual travel-  
6 ling expenses, to be taxed by said commissioner and  
7 allowed by the Governor and Council, and paid from the  
8 State treasury.

SECT. 14. To meet the expenses to be borne by the  
2 State under this act, the Governor shall draw his warrant  
3 from time to time for such amounts as may be necessary,

4 not exceeding two thousand dollars annually and said  
5 sum of two thousand dollars is hereby annually appropri-  
6 ated therefor.

SECT. 15. All acts and parts of acts inconsistent with  
2 this act are hereby repealed.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 23, 1887. }

Reported from Committee on Labor by Mr. BURNS of Poland; ordered  
printed under joint rule.

■NICHOLAS FESSENDEN, Clerk.