

MAINE STATE LEGISLATURE

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TITLE 26
LABOR AND INDUSTRY

Chap.		Sec.
1.	General Provisions	1
3.	Department of Labor and Industry	41
5.	Health and Safety Regulations	81
7.	Employment Practices	591
9.	Mediation and Arbitration	881
11.	Apprenticeship	1001
13.	Unemployment Compensation	1041
15.	Preference to Maine Workmen and Contractors	1301
17.	Union Labels and Trademarks	1341

CHAPTER 1
GENERAL PROVISIONS

- Sec.
1. Definitions.
 2. Reports of deaths, accidents and injuries.
 3. Records confidential.
 4. Enforcement.
 5. Injunction without hearing prohibited.
 6. Interlocutory appeal.
 7. Appeals.

§ 1. Definitions

The following terms used in chapter 3 shall have the following meanings:

1. Factory. "Factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on.

2. Person. "Person" means an individual, corporation, partnership, company or association.

3. Workshop. "Workshop" means any premises, room or place, not being a factory, wherein any manual labor is exercised by way of trade, or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to

which or over which premises, room or place the employer of the person or persons working therein has the right of access or control. The exercise of such manual labor in a private house or a private room by the family dwelling therein, or by any of them, or in case a majority of persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

These terms shall have the meanings defined for them respectively in all laws of this State relating to the employment of labor, unless a different meaning is plainly required by the context.

R.S.1954, c. 30, § 7.

§ 2. Reports of deaths, accidents and injuries

The person in charge of any factory, workshop, construction activity or other industrial establishment shall, within 10 days after the occurrence, report in writing to the Commissioner of Labor and Industry all deaths, accidents or serious physical injuries sustained by any person therein or on the premises, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident reported. The term "serious physical injuries," as used in this section, shall be construed to mean every accident which results in the death of the employee or causes his absence from work for at least 6 days thereafter. This section shall not apply to persons, firms or corporations obliged by law to report such deaths, accidents and injuries to the Maine Industrial Accident Commission.

R.S.1954, c. 30, § 8; 1955, c. 466, § 3.

§ 3. Records confidential

All information and reports recorded by the commissioner or his authorized agents under this Title shall be confidential, and no names of individuals, firms or corporations shall be used in any reports of the commissioner nor made available for public inspection.

1959, c. 223, § 4.

§ 4. Enforcement

The District Court and the Superior Court shall have original jurisdiction of actions brought for the recovery of fines and penalties imposed by this Title, and of prosecutions for violations of the provisions thereof.

R.S.1954, c. 30, § 163; 1963, c. 402, § 55.

§ 5. Injunction without hearing prohibited

No court nor any judge or judges thereof shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, except after hearing the testimony of witnesses in open court with opportunity for cross-examination in support of the allegations of a complaint made under oath and testimony in opposition thereto, if offered.

Such hearing shall be held after due and personal notice thereof has been given in such manner as the court shall direct to all known persons against whom relief is sought. If a complainant shall allege that unless a temporary restraining order shall be issued before such hearing may be had, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be granted upon the expiration of such reasonable notice of application therefor as the court may direct by order to show cause, but in no case less than 48 hours.

Such order to show cause shall be served upon such party or parties as are sought to be restrained and as shall be specified in said order and then only upon testimony under oath, or in the discretion of the court upon affidavits, sufficient, if sustained, to justify the court in issuing a preliminary injunction upon a hearing as provided for.

Such a temporary restraining order shall be effective for no longer than 5 days and at the expiration of said 5 days shall become void and not subject to renewal or extension. If the hearing for a preliminary injunction shall have been begun before the expiration of the said 5 days, the restraining order may in the court's discretion be continued until a decision is reached upon the issuance of the preliminary injunction. A temporary restraining order may be issued without notice on condition that complainant shall first file an undertaking with adequate security sufficient to recompense those enjoined for any loss, expense or damage caused by the erroneous issuance of such order, including all reasonable costs and expense against the order or against

the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same action or proceeding against said complainant and surety, the said complainant and surety submitting themselves to the jurisdiction of the court for that purpose. Nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by civil action.

R.S.1954, c. 107, § 36; 1961, c. 317, § 332; 1963, c. 414, § 118.

§ 6. Interlocutory appeal

Any party may appeal to the law court from an interlocutory order granting or denying a preliminary injunction in a case involving or growing out of a labor dispute, but such preliminary injunction shall not be stayed by the taking of such appeal. Any such appeal shall be heard at the first term of the law court commencing not less than 14 days after the appellant has filed the record on appeal with the clerk of the Superior Court and furnished the required copies of his brief to the clerk of the law court. Copies of the briefs of other parties shall be furnished to the clerk of the law court not more than 10 days after the appellant's brief has been filed. The law court shall affirm, modify or set aside the order with the greatest possible expedition and shall give such proceedings precedence over all other matters except older matters of the same character.

1959, c. 378, § 72.

§ 7. Appeals

Any order by a board created and established under this Title, or any rule, regulation, determination or declaration formulated by such board or by the Commissioner of Labor and Industry shall be subject to review by a Justice of the Superior Court by an appeal taken within 30 days after the effective date of such rule, regulation, determination or declaration to the Superior Court, held in or for the county in which the operation is located, at the instance of any party in interest and aggrieved by said rule, regulation, determination or declaration. Such appeal shall be prosecuted by complaint. Upon the filing thereof the court shall order notice thereof. Upon the evidence and after

hearing, which shall be held not less than 7 days after notice thereof, the court may modify, affirm or reverse the rule, regulation, determination or declaration in whole or in part in accordance with law and the weight of the evidence. The court shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any rule, regulation, determination or declaration pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.

1957, c. 28; 1961, c. 317, § 63.