

MAINE STATE LEGISLATURE

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CHAPTER 3

DEPARTMENT OF LABOR AND INDUSTRY

Sec.

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§ 41. Commissioner; personnel; salaries; expenses

A State Department of Labor and Industry, as heretofore established and hereinafter in this Title called the "department", shall be maintained under the direction of an officer whose title shall be Commissioner of Labor and Industry and State Factory Inspector, hereinafter in this Title, except in chapter 13, called the "commissioner". He shall be appointed by the Governor, with the advice and consent of the Council, for a term of 3 years, and shall hold office until his successor is appointed and qualified. He shall have an office in the State Capitol. He shall appoint, subject to the Personnel Law, such employees as may be necessary and a deputy who shall be clerk of the department and deputy state factory inspector. The commissioner shall receive an annual salary of \$9,000, and in addition \$1,000 annually for his services as a member of the Industrial Accident Commission and his actual, necessary cash expenses while away from his office on official business of the Industrial Accident Commission. The commissioner and deputy state factory inspector shall receive their actual traveling expenses. The commissioner shall appoint a woman factory inspector. All expenses of the department shall be audited and paid as provided by law.

R.S.1954, c. 30, § 1; 1955, c. 473, § 8; 1957, c. 418, § 9; 1959, c. 361, § 8; 1963, c. 389, § 1.

§ 42. Powers and duties

The department shall collect, assort and arrange statistical details relating to all departments of labor and industrial pursuits in the State; to trade unions and other labor organizations and their effect upon labor and capital; to the number and character

of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public; to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the State, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees classified according to age and sex and the daily and average wages paid each employee; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the industries of the State. The commissioner is authorized and empowered, subject to the approval of the Governor and Council, to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this section, and meet such requirements with respect to the administration of such funds, not inconsistent with this section, as are required as conditions precedent to receiving such funds. An accounting of such funds and a report of the use to which they were put shall be included in the biennial report to the Governor. The commissioner shall cause to be enforced all laws regulating the employment of minors and women; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and in other places; all laws regulating the payment of wages, and all laws enacted for the protection of the working classes. He shall, on or before the first day of July, biennially, report to the Governor, and may make such suggestions and recommendations as he may deem necessary for the information of the Legislature. He may from time to time cause to be printed and distributed bulletins upon any subject that shall be of public interest and benefit to the State; and may conduct a program of research, education and promotion to reduce industrial accidents.

R.S.1954, c. 30, § 2; 1959, c. 67; 1963, c. 105.

§ 43. Facts and statistics; seal; testimony; sources confidential

The commissioner may furnish a written or printed list of interrogatories for the purpose of gathering such facts and statistics as are contemplated, to any person, or the proper officer of any corporation operating within the State, and may require full and complete answers thereto under oath. The commissioner shall have a seal, and may take and preserve testimony, issue subpoenas, administer oaths and examine witnesses under oath in all matters relating to the duties required of said department.

Such testimony shall be taken in some suitable place in the vicinity to which the testimony is applicable. Witnesses summoned and testifying before the commissioner shall be paid, from any funds at the disposal of the department, the same fees as witnesses before the Superior Court. In the report of said department no use shall be made of the names of individuals, firms or corporations supplying the information called for by this section unless by written permission, such information being confidential and not for the purpose of disclosing personal affairs.

R.S.1954, c. 30, § 3.

§ 44. Right of access

The commissioner as state factory inspector, and any authorized agent of the department, may enter any factory or mill, construction activity, workshop, private works or state institutions which have shops or factories, when the same are open or in operation, for the purpose of gathering facts and statistics such as are contemplated by sections 42 to 44, and may examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and may make a record of such inspection.

R.S.1954, c. 30, § 4; 1955, c. 466, § 1.

§ 45. Notice of improper conditions

If the commissioner as state factory inspector, or any authorized agent of the department, shall find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any workshops or factories is such as to be injurious to the health of the persons employed or residing therein or that the fire escapes or other means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators and appurtenances, drums, saws, cogs and machinery in such workshops and factories are located or are in a condition so as to be dangerous to employees and not sufficiently guarded, or that vats, pans or any other structures, filled with or containing molten metal, hot liquids or inflammables, are not surrounded with proper safeguards for preventing accidents or injury to those employed at or near them, he shall notify, in writing, the owner, proprietor or agent of such workshops or factories to make, within 30 days, the alterations or additions by him deemed necessary for the safety and protection of the employees.

If the commissioner or any authorized agent of the department shall find, upon inspection of construction activities, that conditions of the activity are in violation of the rules and regulations and so as to be dangerous to employees working at or near them, he shall notify immediately the contractor or person in charge of such activity to make alterations or additions consistent with the rules and regulations by him deemed necessary for the safety and protection of the employee. Such notice shall be served personally upon the contractor or the person in charge of the activity, or in cases of obvious or extreme hazard where immediate action is necessary to preserve life and limb and where the contractor or person in charge of such activity is not readily accessible, he may conspicuously affix a written notice or tag to the object or device or to the part thereof declared to be unsafe. After such notice has been served or affixed, all persons shall cease using until the object or device, or part thereof, is altered or strengthened in such a manner as to provide safe conditions. The inspector shall make every effort to notify immediately the contractor or person in charge of such activity before undertaking such action.

R.S.1954, c. 30, § 5; 1955, c. 466, § 2.

§ 46. Failure to cooperate or comply

Whoever, being duly summoned under section 43, willfully neglects or refuses to attend, or refuses to answer any question propounded to him concerning the subject of such examination as provided in said section 43, or whoever, being furnished by the commissioner with a written or printed list of interrogatories, neglects or refuses to answer and return the same under oath, shall be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not more than 30 days, or by both. No witness shall be compelled to go outside the county in which he resides to testify.

Whoever refuses to admit or unreasonably delays the commissioner or any authorized agent of the department in entering any factory, mill, workshop, construction activity, private works or state institution referred to in section 44 for the purpose of carrying out said section 44, or refuses to give the information required by said commissioner or authorized agent, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

Any proprietor, owner or agent of any factory, mill, workshop, construction activity, private works or state institution,

described in section 44, who fails to make the alterations or additions required by the commissioner as state factory inspector or any authorized agent of the department within 30 days from the date of the written notice specified in section 45 or within such time as said alterations or additions can be made with proper diligence, shall be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment for not more than 30 days, or by both.

Any person in charge of properties referred to in section 2, who neglects or refuses to comply with the requirements of said section, shall be punished by a fine of not less than \$25 nor more than \$50.

R.S.1954, c. 30, § 9; 1955, c. 466, § 4.

§ 47. Municipal officers to furnish information

All state, county, city and town officers are directed to furnish the commissioner, upon his request, such statistical or other information contemplated by sections 42 to 45 as shall be in their possession as such officers.

R.S.1954, c. 30, § 6.