

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. 90.

STATE OF MAINE.

The majority of the Committee on Labor, to which was referred the Bill entitled "An Act regulating the hours of labor and employment of children, and for the better protection of women and children in manufacturing and mechanical establishments," have had the same under consideration, and ask leave to report the same in a new draft, under title of Bill "An Act to regulate the hours of labor and employment of women in manufacturing and mechanical establishments," and that same *ought to pass*.

Ansel L. Lumbert,

William H. Looney,
John Harper,
Edmund C. Bryant,
Thomas J. Lyons,
Frank E. Roberts,
G. P. H. Jewett.

AN ACT to regulate the Hours of Labor, and the employment of Women and Children in manufacturing and mechanical establishments.

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.

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 Commissioner of Labor hereafter
10 named and shall be approved by the Attorney
11 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 em-
3 ploys or has in his employment any person in viola-
4 tion 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 fifty dollars, nor more than one hundred 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 of the employe
12 is for a reasonable cause, nor when there is a gen-
13 eral suspension in good faith of business by the
14 employer.

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
9 punished by a fine of not less than fifty nor more
10 than one hundred 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 prosecute
14 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 Commissioner of
17 Labor hereinafter named or either of his deputies
18 may demand the names of the children under six-
19 teen years employed in such business or establish-
20 ment in the several cities and towns of the State,
21 and may require that the certificates of age and
22 school attendance prescribed in this section shall
23 be produced for his inspection, and a failure to
24 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 com-
3 missioner 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 commis-
7 sioner of labor to enquire into any violations of
8 this Act. And said commissioner shall, in addition
9 to his salary provided by law, be allowed his reason-
10 able expenses. Whenever the Governor of this

11 State shall be satisfied that the commissioner of
12 labor cannot perform all the duties of his said office
13 required by this section, in person, he shall, with
14 the advice and consent of the Council, appoint a
15 sufficient number of deputy commissioners to
16 assist him in so doing. Said deputies shall hold
17 their office for the term of two years, and act under
18 the direction of said commissioner of labor and
19 shall receive the sum of two dollars per day and
20 reasonable expenses while actually engaged in
21 duty. Said deputies may at any time be removed
22 for cause by the Governor. All bills for the expenses
23 of the commissioner of labor and for the services
24 and expenses of such deputies shall be audited by
25 the Council. For the purpose of inquiring into
26 any violation of the provisions of this Act, and en-
27 forcing the penalties thereof, such commissioner
28 and deputies may, at all reasonable times, enter
29 any manufacturing or mechanical establishment
30 and make investigation concerning such violations.
31 Such investigation shall be conducted with as little
32 interruption as possible to the prosecution of the
33 business of such establishment. Whoever inter-
34 feres with said commissioner or his deputies in
35 the performance of their duties as prescribed in
36 this Act shall be fined one hundred dollars.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES. }
February 9, 1887. }

Presented by Mr. LOONEY of Portland for the majority of the Committee on Labor, and, pending acceptance of report, tabled and ordered printed with bill, and Tuesday next assigned for consideration.

NICHOLAS FESSENDEN, *Clerk.*

Sixty - Third Legislature.

STATE OF MAINE.

HOUSE AMENDMENT "A,"

To House Doc. No. 90.

Strike out all of Section 1 before the word "shall," in the second line, and insert the words "no person."

Presented by Mr. WALTON of Skowhegan.

HOUSE AMENDMENT "B,"

To 10 hour law, by adding the following Section 10:

The provisions of this act shall not apply (except as to minors) where a special contract is made between employer and employe for extra hours of labor with extra pay therefor.

Presented by Mr. FOGG of Portland.

HOUSE AMENDMENT "C."

House Doc. No. 90.

I move to amend as follows:

1st. Amend Sect. 3, in the 7th line thereof, by striking out the word "fifty" and inserting instead thereof, the word

'twenty-five;' also by striking out the words "one hundred" in the same line, and inserting instead thereof the word 'fifty.'

2d. In Section 5, line 9, strike out the word "fifty" and insert instead thereof the word 'twenty-five;' and in line 10 strike out the words "one hundred" and insert instead thereof the word 'fifty.'

3d. In line 36 of Sect. 9, strike out the words "one hundred" and insert instead thereof the word 'twenty-five.'

Presented by Mr. HARRINGTON of Norridgewock.

HOUSE AMENDMENT "D."

Amend by striking out section four.

Presented by Mr. CONDON of Friendship.

HOUSE AMENDMENT "E."

In line 2, strike out the words "and no women."

In section 4, line 11, after the word "leaving," insert 'or discharge.'

Strike out section eight.

Presented by Mr. PATTANGALL.

HOUSE AMENDMENT "F."

After the word "establishment" the words be inserted 'except saw mills used for the manufacture of long and short lumber.'

Presented by Mr. CLARK of Calais.

HOUSE AMENDMENT "G."

That the word "eighteen," in the first line, be stricken out, and the word 'fifteen' be inserted in its place.

Presented by Mr. CLARK of Calais.

HOUSE AMENDMENT "H."

Amend House Doc. 90 :

Sec. 1, by striking out, in the 14th line, the words "are perishable and," and insert, in the 15th line, after the word "decay," 'and damage.'

In Section 2, strike out all after the word "employment," in the 18th line.

Presented by Mr. SHAW of Portland.

HOUSE AMENDMENT "I."

After the word "establishment," in the 4th line of section 1, the following clause be inserted: 'Except all that do not run over eight months during the year.'

Presented by Mr. CLARK of Calais.