

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty - Third Legislature.

HOUSE.

No. 99.

STATE OF MAINE.

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

AN ACT to regulate the Hours of Labor.

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

SECTION 1. No person except firemen, watchmen
2 and engineers shall be employed in laboring in any
3 manufacturing or mechanical establishment or busi-
4 ness, more than ten hours in any one day, *provided*,
5 that the foregoing prohibition shall not apply when
6 a different apportionment of the hours of labor is
7 made for the sole purpose of making a shorter
8 day's work for one day of the week; and also when
9 it is necessary to make repairs to prevent interrup-
10 tion of the ordinary running of machinery, and also

11 when the employment is to make up for lost time
12 on some previous day of the same week in conse-
13 quence of the necessary stopping of machinery
14 upon which such person is employed or dependent
15 for employment. Nothing in this act shall apply
16 to any manufacturing establishment or business,
17 the materials and products of which are perishable
18 and require immediate labor thereon to prevent
19 decay thereof. If any corporation or owner, or
20 superintendent, overseer or other agent of any
21 corporation or owner, employs or has in his or its
22 employment any person in violation of this section,
23 it or he shall forfeit one hundred dollars for each
24 offence.

SECT. 2. No child under fifteen years of age
2 shall be employed in or about any manufacturing
3 or mechanical establishment in this State.

SECT. 3. Any corporation, owner, superintendent
2 or agent of the owner of such an establishment,
3 violating section two shall forfeit one hundred dol-
4 lars for each offence. A certificate of the age of
5 a minor made by his parents or guardian at the
6 time of his employment shall be *prima facie* evi-
7 dence of his age in behalf of the hirer in any pros-
8 ecution under section two. Whoever falsely makes
9 and utters such a certificate, with intent to evade

10 said section two, shall be fined not less than twenty-
11 five dollars nor more than one hundred dollars, or
12 be imprisoned not less than thirty nor more than
13 ninety days.

SECT. 4. No person, firm or corporation engaged
2 in any manufacturing or mechanical business, shall
3 require from any person in his or its employment a
4 penalty for failure to give a notice of intention to
5 leave such employment. If any employe leaves
6 such employment without giving notice of his
7 intention so to leave, he shall be liable only for the
8 actual damages sustained by such leaving, if the
9 same was a breach of contract. No contract pro-
10 viding that the whole or part of any wages earned
11 shall be forfeited by way of penalty for failure to
12 give notice of intention to leave such employment
13 shall be valid.

SECT. 5. Every employer shall post in a conspic-
2 uous place in each room where any person is
3 employed, a notice printed in large, plain type, stat-
4 ing the time of commencing and stopping work,
5 the time of starting and stopping machinery, and
6 the time to be taken for dinner. And the employ-
7 ment of any person for a longer time in any day
8 than is therein stated shall be deemed to be a vio-
9 lation of section one.

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

SECT. 7. Whenever a person has been convicted
2 of a violation of this act, the county attorney shall
3 have him sentenced at the same term, unless for
4 reasons satisfactory to the court the case is contin-
5 ued for sentence one term, but no longer.

SECT. 8. Within thirty days after this act takes
2 effect, the Governor, with the advice and consent

3 of the Council, shall appoint a commissioner of
4 labor, who shall hold office until the first day of
5 January, A. D. 1889, unless sooner removed by
6 the Governor for cause and the vacancy filled by
7 appointment. At the next State election in the
8 year one thousand eight hundred and eighty-eight,
9 and biennially thereafter, a commissioner of labor
10 shall be elected and notified, his election deter-
11 mined and vacancies filled in the same manner, and
12 he shall enter upon the discharge of his duties at
13 the same time, as is provided respecting county
14 commissioners by chapter seventy-eight of the
15 Revised Statutes, but such commissioner of labor,
16 and his successors, shall hold office but two years.
17 He shall inquire into violations of this act and
18 faithfully enforce all its provisions. He shall re-
19 ceive an annual salary of one thousand dollars, and
20 his reasonable expenses, payable quarterly from
21 the State treasury.

SECT. 9. Upon petition of thirty legal voters in
2 any city or town, where any establishment affected
3 by this act exists, the municipal officers thereof
4 shall issue a warrant for a special city or town
5 election to take place within thirty days from the
6 receipt of such petition for the purpose of electing
7 a deputy commissioner of labor. Deputies so

8 elected shall hold office for the term of two years
9 from the date of such election and may be removed
10 by the Governor for cause, who shall then direct
11 the municipal officers to order a special election to
12 fill the vacancy so made. Such special elections
13 shall be notified, warned and held as other muni-
14 cipal elections in such city or town. The person
15 receiving the highest number of votes shall be
16 declared elected, and he shall be sworn and qualified
17 as other town officers. Said deputies shall act
18 under the direction of the commissioner of labor,
19 and shall make investigation into all violations of
20 this act within their respective cities or towns.
21 They shall receive the sum of two dollars per day
22 while actually engaged in duty, and their reason-
23 able expenses, all to be audited by the municipal
24 officers and paid from the treasury of the city or
25 town.

SECT. 10. For the purpose of enforcing this act,
2 and inquiring into any violations thereof, such
3 commissioner and his deputies may enter any man-
4 ufacturing or mechanical establishment between the
5 hours of six o'clock A. M., and nine o'clock P. M.,
6 and make investigation as to the employment of
7 persons as provided in this act. When the age of
8 any child employed in violation of this act has

9 been judicially determined, such commissioner or
10 his deputy may remove such child from any estab-
11 lishment wherein he is subsequently employed un-
12 lawfully. Such investigations shall be conducted
13 with as little interference as possible to the prose-
14 cution of the business of any establishment where
15 made. Whoever interferes with said commissioner
16 or his deputies in the performance of any duty
17 under this act shall be fined one hundred dollars.

SECT. 11. Said commissioner shall have power to
2 summon witnesses in any investigation authorized
3 by section eight, and compel their attendance before
4 him to give testimony relating thereto. Such wit-
5 nesses shall be paid one dollar and fifty cents per
6 day and actual travelling expenses, to be taxed by
7 said commissioner and allowed by the Governor
8 and Council, and paid from the State treasury.

SECT. 12. To meet the expenses to be borne by
2 the State under this act, the Governor shall draw
3 his warrant from time to time for such amounts as
4 may be necessary, not exceeding two thousand
5 dollars, and said sum of two thousand dollars is
6 hereby appropriated therefor.

SECT. 13. All acts and parts of acts inconsistent
2 with this act are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 10, 1887. }

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

NICHOLAS FESSENDEN, *Clerk.*