

# MAINE STATE LEGISLATURE

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# Sixty - Third Legislature.

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SENATE.

No. 11.

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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.

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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  
2 and engineers shall be employed in laboring in any  
3 manufacturing or mechanical establishment or bus-  
4 iness, 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, the materials  
17 and products of which are perishable and require  
18 immediate labor thereon to prevent decay thereof.  
19 If any corporation or owner, or superintendent,  
20 overseer or other agent of any corporation or owner,  
21 employs or has in his or its employment any person  
22 in violation of this section, it or he shall forfeit one  
23 hundred dollars for each 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 as therein stated shall be deemed to be a vio-  
9 lation of section one.

SECT. 6. All prosecutions, under this Act, against  
2 corporations shall be by action of debt, in the  
3 name of the State, to be brought by the county  
4 attorney. All other prosecutions shall be by in-  
5 dictment. Whenever the Governor is, after inves-  
6 tigation and hearing, satisfied that any county  
7 attorney has wilfully refused or neglected to dis-  
8 charge any duty imposed upon him by reason of this  
9 act, he shall remove him from office and fill his  
10 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 and  
8 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, payable out of the State treas-  
5 ury out of any moneys not otherwise appropriated.

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2 with this Act are hereby repealed.



STATE OF MAINE.

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IN SENATE, January 24, 1887.

Presented by Mr. HEATH, and, pending reference to Committee, laid  
on table to be printed.

C. W. TILDEN, *Secretary.*