

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

SENATE.

No. 61.

STATE OF MAINE.

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

AN ACT to regulate the Hours of Labor and the
employment of Women and Children in manufactur-
ing and mechanical establishments.

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

SECTION 1. No female minor under eighteen years
2 of age, no male minor under sixteen years of age,
3 and no woman shall be employed in laboring in
4 any manufacturing or mechanical establishment in
5 this State, more than ten hours in any one day,
6 except when it is necessary to make repairs to pre-
7 vent the interruption of the ordinary running of
8 the machinery, or when a different apportionment
9 of the hours of labor is made for the sole purpose

10 of making a shorter day's work for one day of the
11 week; and in no case shall the hours of labor ex-
12 ceed sixty in a week; *provided* that the foregoing
13 prohibition shall not apply to any manufacturing
14 establishment the materials and products of which
15 are perishable and require immediate labor thereon
16 to prevent decay thereof or damage thereto. And
17 no male person sixteen years and over shall be so
18 employed as above more than ten hours a day
19 unless he voluntarily contracts to do so, and in
20 such case he shall receive extra compensation for
21 his services. It shall be lawful, however, for any
22 female of the age of eighteen years or over to con-
23 tract to labor more than ten hours a day in any
24 manufacturing or mechanical establishment in this
26 State, for not more than six hours in any one week,
27 or ten weeks in any one year, *provided* additional
28 compensation is received therefor.

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 Deputy Commissioner of Labor
10 hereafter named and shall be approved by the Attor-
11 ney 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 establishment is set
21 in motion before the time fixed for beginning labor.

SECT. 3. Whoever, either for himself or as super-
2 intendent, overseer or agent of another, employs
3 or has in his employment any person in violation
4 of the provisions of section one; and every pa-
5 rent or guardian who permits any minor to be so
6 employed, shall be punished by a fine of not less
7 than twenty-five dollars, nor more than fifty 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 or discharge of
12 the employe is for a reasonable cause.

SECT. 5. No child under twelve years of age
2 shall be employed in any manufacturing or mechani-
3 cal establishment in this State. Whoever, either
4 for himself, or as superintendent, overseer, or
5 agent of another, employs or has in his employ-
6 ment any child in violation of the provisions of
7 this section, and every parent or guardian who
8 permits any child to be so employed shall be pun-
9 ished by a fine of not less than twenty-five nor
10 more than fifty dollars for each offence.

SECT. 6. No child under fifteen years of age
2 shall be employed in any manufacturing or
3 mechanical 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 prose-
14 cute therefor.

SECT. 8. Every owner, superintendent or overseer
2 of any such manufacturing or mechanical establish-
3 ment shall require and keep on file a certificate of
4 the age and place of birth of every child under six-
5 teen years of age employed therein so long as such
6 child is so employed, which certificate shall also
7 state in the case of a child under fifteen years of age
8 the amount of his school attendance during the year
9 next preceding such employment. Said certificate
10 shall be signed by a member of the school com-
11 mittee of the place where such attendance has been
12 had, or by some one authorized by such committee,
13 and the form of said certificate shall be furnished
14 by the State Superintendent of Schools and shall
15 be approved by the Attorney General. The dep-
16 uty commissioner of labor hereinafter named or
17 either of his assistants may demand the names of

18 the children under sixteen years employed in such
19 establishment in the several cities and towns of the
20 State, and may require that the certificates of age
21 and school attendance prescribed in this section
22 shall be produced for his inspection, and a failure
23 to produce the same shall be *prima facie* evidence
24 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 deputy
3 commissioner 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 deputy com-
7 missioner of labor to enquire into any violations
8 of this act, and also to assist in the collection of
9 statistics and other information which may be
10 required, for the use of the Bureau of Industrial
11 and Labor Statistics. And said deputy commis-
12 sioner shall, in addition to his salary provided by
13 law, be allowed his reasonable expenses. When-
14 ever the Governor of this State shall be satisfied
15 that the deputy commissioner of labor cannot per-
16 form all the duties of his said office required by this
17 section, in person, he shall, with the advice and
18 consent of the Council, appoint a sufficient num-
19 ber of assistant deputies to assist him in so doing

20 Said assistants shall hold their office for the term
21 of two years, and act under the direction of said
22 deputy commissioner of labor, and shall receive the
23 sum of two dollars per day and reasonable ex-
24 penses while actually engaged in duty. Said as-
25 sistants may at any time be removed for cause by
26 the Governor. All bills for the expenses of
27 the deputy commissioner of labor and for the
28 services and expenses of such assistant dep-
29 uties shall be audited by the Council. For the
30 purpose of inquiring into any violation of the pro-
31 visions of this Act, and enforcing the penalties
32 thereof, such deputy commissioner and assistants
33 may, at all reasonable times, enter any manufac-
34 turing or mechanical establishment and make in-
35 vestigation concerning such violations. Such in-
36 vestigation shall be conducted with as little inter-
37 ruption as possible to the prosecution of the busi-
38 ness of such establishment. Whoever interferes
39 with said deputy commissioner or his assistants in
40 the performance of their duties as prescribed in
41 this Act, shall be fined fifty dollars.

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

House Amendment "A" to House Document No. 160.

Amend section one by inserting before the word "minor" in the first line, the word 'female' and also by inserting after the word "age" in the second line, the following: 'No male minor under sixteen years of age.'

BARKER of Bangor.

Adopted.

House Amendment "C" to House Document No. 160.

Amend section one, line seventeen, by inserting after the word "above" the words 'more than ten hours a day.'

LOONEY of Portland.

Adopted.

House Amendment "F" to House Document No. 160.

Amend section one, line sixteen, by striking out the word "eighteen" and inserting the word 'sixteen.'

BARKER of Bangor.

Adopted.

House Amendment "G" to House Document No. 160.

Amend section one by striking out the words "business or" in line three.

LOONEY of Portland.

Adopted.

House Amendment "H" to House Document No. 160.

Amend section one, line fifteen, after the words "decay thereof" by inserting the words 'or damage thereto.'

HARRINGTON of Norridgewock.

Adopted.

House Amendment "I" to House Document No. 160.

Add at the end of section one, 'it shall be lawful, however, for any female of the age of eighteen years or over to contract to labor more than ten hours a day in any manufacturing

or mechanical establishment in this State for not more than six hours in any one week or ten weeks in any one year, *provided* additional compensation is received therefor.’

POWERS of Houlton.

Adopted.

House Amendments to House Doc. No. 160.

K. Amend section two, line twenty-one, by striking out the words “ten minutes,” and all after the word “labor” in the twenty-second line.

SHAW of Portland.

Adopted.

L. Amend section two in line twenty by striking out the words “business or.”

LOONEY of Portland.

Adopted.

M. Amend section five in line three by striking out the words “business or.”

Amend section six in line three by striking out the words “business or.”

Amend section eight in line three by striking out the words “business or,” and in line nineteen by striking out the words “business or.”

MANLEY of Augusta.

Adopted.

STATE OF MAINE.

IN SENATE, March 1, 1887.

Pending acceptance of reports, on motion by Mr. HEATH, laid on table to be printed as amended by the House.

C. W. TILDEN, *Secretary.*