

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 41

House of Representatives, Jan. 27, 1911.

Introduced by the committee on Labor by Mr. Otis of Rockland, tabled for printing pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT to provide for the creation of a Department of Labor ;
to prescribe its powers and duties ; to regulate the employment
of labor ; to make an appropriation for the maintenance of
such department, and to prescribe penalties for the violation
of this act.

Be it enacted by the People of the State of Maine, as follows :

Section 1. The Governor is hereby authorized and empow-
2 ered to appoint within thirty days after this act shall become
3 law, and every third year thereafter, by and with the con-
4 sent of the Council, and also within thirty days after the con-
5 currence of any vacancy in the office, a suitable person as
6 commissioner of labor and State factory inspector, who
7 shall hold his office until his successor be appointed and qual-

8 ified. The title of such officer shall be Commissioner of
9 Labor and State Factory Inspector, and the term of office
10 of such commissioner shall be for a period of three years af-
11 ter such appointment. Such commissioner shall have an of-
12 fice in the State capitol building suitably furnished and
13 equipped for the work of said department of labor. He
14 shall perform his duties as herein provided and shall, with
15 the approval of the Governor and Council, appoint a deputy
16 whose term of office shall continue during the pleasure of
17 such commissioner.

Sect. 2. It shall be the duty of the department to collect,
2 assort, arrange and present to the Governor on or before the
3 first day of January, nineteen hundred thirteen and bien-
4 nially thereafter, statistical details relating to all departments
5 of labor and industrial pursuits in the State; to trade unions
6 and other labor organizations and their effect upon labor
7 and capital; to the number and character of industrial acci-
8 dents and their effect upon the injured, their dependent rela-
9 tives and upon the general public; to other matters relating
10 to the commercial, industrial, social, educational, moral and
11 sanitary conditions prevailing within the State, including the
12 names of firms, companies or corporations, where located,
13 the kind of goods produced or manufactured, the time oper-
14 ated each year, the number of employees classified accord-
15 ing to age and sex, and the daily and average wages paid each
16 employee; and the exploitation of such other subjects as will
17 tend to promote the permanent prosperity of the respective

18 industries of the State. It shall also be the duty of the com-
19 missioner of labor to cause to be enforced all laws regulat-
20 ing the employment of children, minors and women; all laws
21 established for the protection of health, lives and limbs of
22 operators in workshops and factories, on railroads and other
23 places, and all laws enacted for the protection of the working
24 classes now in force or that may hereafter be enacted. In
25 its biennial report the department shall also give an account
26 of all proceedings which have been taken in accordance with
27 the provisions of this act, or any of the other laws herein
28 referred to, and in addition thereto, such remarks, sugges-
29 tions and recommendations as the commissioner may deem
30 necessary for the information of the legislature.

Sect. 3. The commissioner is hereby authorized to furnish
2 and deliver a written or printed list of interrogatories to
3 any person, company or the proper officer of any corporation
4 operating within the State, and require full and complete
5 answers to be made thereto and returned under oath; the
6 commissioner shall have a seal, and have power to take and
7 preserve testimony, to issue subpoenas, and administer oaths,
8 and examine witnesses under oath in all matters relating to
9 the duties herein required by said department of labor, such
10 testimony to be taken in some suitable place in the vicinity
11 to which the testimony is applicable. Witnesses subpoenaed
12 and testifying before the commissioner of said department
13 shall be paid the same fees as witnesses before a supreme
14 judicial court; such payment to be made from any funds at

15 the disposal of the department of labor. Any person duly
16 subpoenaed under the provisions of this act who shall wilfully
17 neglect or refuse to attend, or refuse to answer any question
18 propounded to him concerning the subject of such examina-
19 tion as provided in this act, or if any person to whom a writ-
20 ten or printed list of interrogatories has been furnished by
21 said commissioner shall neglect or refuse to answer and re-
22 turn the same under oath, such person or persons shall be
23 deemed guilty of a misdemeanor, and upon complaint of the
24 commissioner before a court of competent jurisdiction, and
25 upon conviction thereof, such person or persons shall be
26 fined in a sum not less than twenty-five dollars nor more
27 than one hundred dollars, or by imprisonment in the county
28 jail not exceeding thirty days, or by both such fine and im-
29 prisonment; provided, however, that no witness shall be com-
30 pelled to go outside of the county in which he resides to tes-
31 tify. In the report of said department no use shall be
32 made of the names of individuals, firms or corporations sup-
33 plying the information called for by this act, unless by writ-
34 ten permission, such information being confidential and not
35 for the purpose of disclosing personal affairs.

Sect. 4. The commissioner as State factory inspector and
2 any authorized agent of the labor department shall have
3 power to enter any factory or mill, workshop, private works
4 or State institutions which have shops or factories, when
5 the same are open or in operation, for the purpose of gath-
6 ering facts and statistics such as are contemplated by this

7 act, and to examine into the methods of protection from dan-
8 ger to employees and the sanitary conditions in and around
9 such buildings and places, and to make a record thereof of
10 such inspection. If the commissioner as State factory in-
11 spector or any authorized agent of the department of labor
12 shall find upon such inspection that the heating, lighting,
13 ventilation or sanitary arrangement of any workshops or fac-
14 tories is such as to be injurious to the health of the persons
15 employed or residing therein or that the means of egress in
16 case of fire or other disaster are not sufficient, or that the
17 belting, shafting, gearing, elevators, drums, saws, cogs and
18 machinery in such workshops and factories are located or
19 are in a condition so as to be dangerous to employees and
20 not sufficiently guarded, or that vats, pans, or any other
21 structures, filled with molten metal or hot liquids, are not
22 surrounded with proper safeguards for preventing accidents
23 or injury to those employed at or near them, he shall notify,
24 in writing, the owner, proprietor or agent of such workshops
25 or factories to make, within thirty days, the alterations or
26 additions by him deemed necessary for the safety and pro-
27 tection of the employees; and if such alterations or addi-
28 tions are not made within thirty days from the date of such
29 written notice, or within such time as said alterations or
30 additions can be made with proper diligence upon the part of
31 such proprietors, owners or agents, said proprietors, owners
32 or agents so notified shall be deemed guilty of a misde-
33 meanor, and upon complaint of the commissioner as State

34 factory inspector before a court of competent jurisdiction,
35 and upon conviction thereof, shall be fined in a sum not less
36 than twenty-five dollars nor more than two hundred dollars,
37 or by imprisonment not more than thirty days, or by both
38 such fine and imprisonment.

Sect. 5. The following expressions used in this act shall
2 have the following meanings: The expression "person"
3 means an individual, corporation, partnership, company or
4 association. The expression "children" means minor per-
5 sons under the age of fourteen years. The expression
6 "minor" means a male person under the age of eighteen
7 years. The expression "factory" means any premises
8 where steam, water or other mechanical power is used in
9 aid of any manufacturing process there carried on. The ex-
10 pression "workshop" means any premises, room or place,
11 not being a factory as above defined, wherein any manual
12 labor is exercised by way of trade, or for the purpose of
13 gain in or incidental to any process of making, altering, re-
14 pairing, ornamenting, finishing or adapting for sale any
15 article or part of an article, and to which or over which prem-
16 ises, room or place the employer of the person or persons
17 working therein has the right of access or control; provided,
18 however, that the exercise of such manual labor in a private
19 house, or a private room by the family dwelling therein, or
20 by any of them, or in case a majority of persons therein
21 employed are members of such family, shall not of itself
22 constitute such house or room a workshop within this defini-

23 tion. The aforesaid expressions shall have the meanings
24 above defined for them respectively in all laws of this State
25 relating to the employment of labor, unless a different mean-
26 ing is plainly required by the context.

Sect. 6. All state, county, city and town officers are hereby
2 directed to furnish said commissioner, upon his request, such
3 statistical or other information contemplated by this act as
4 shall be in their possession as such officers.

Sect. 7. In addition to the deputy commissioner provided
2 for by section 1 of this act, the commissioner shall appoint a
3 stenographer for the department of labor, and he may also
4 employ special agents and such other assistants, including a
5 woman inspector, as may be necessary in the discharge of the
6 official duties of said department of labor; such special
7 agents and other assistants shall be paid for the services
8 rendered such compensation as the commissioner may deem
9 proper, but no such agents or assistants shall be paid more
10 than three dollars per day in addition to necessary traveling
11 expenses, said agents and assistants shall work under the
12 supervision and direction of the commissioner of labor.

Sect. 8. The salary of such commissioner shall be eighteen
2 hundred dollars per year, and that of his deputy twelve hun-
3 dred dollars per year, together with all necessary traveling
4 expenses, the salary of the stenographer and clerk shall be
5 six hundred dollars per year. All such salaries and other
6 expenses provided for in this act, shall be audited the same
7 as salaries and expenses of other State departments and

8 shall be payable upon proper vouchers certified by the com-
9 missioner. Provided, That the amount thereof, exclusive
10 of the salaries provided for by this section, shall not in any
11 one year exceed the sum of six thousand four hundred dol-
12 lars, making the total annual appropriation for the depart-
13 ment of labor for all purposes ten thousand dollars. Pro-
14 vided further, That any unexpended balance to the credit
15 of the department of labor at the close of the year nineteen
16 hundrd eleven, shall be carried over and made available for
17 use in nineteen hundred twelve, and so on from the odd to
18 the even year.

Sect. 9. Said commissioner shall be authorized to have
2 printed for general distribution, not to exceed four thousand
3 copies of his biennial report, and he may also from time to
4 time, cause to be printed and distributed bulletins upon any
5 subject that shall be of public interest and of benefit to the
6 State.

Sect. 10. Sections 40, 41, and 42 of Chapter 40 of the Re-
2 vised Statutes, as amended by Chapter 215 of the Public
3 Laws of 1909, Chapter 180 of the Public Laws of 1909, Sec-
4 tions 43, 44, 45, 46 and 47 of Chapter 40 of the Revised
5 Statutes as amended by Chapter 77 of the Public Laws of
6 1907, and Chapter 209 of the Public Laws of 1909 are hereby
7 repealed.

LEACH,
NOYES,
THERIAULT,
OTIS,
DESCOTEAUX,
PUTNAM,
SHEA,
SKEHAN,
HODGMAN,
DOYLE.

STATE OF MAINE.

The committee on Labor which was instructed by an order of the Legislature to inquire into the expediency of consolidating the Bureau of Industrial and Labor Statistics and the Department of Factory Inspection, and report by bill or otherwise have had the same under consideration, and ask leave to report the accompanying Bill "An Act to provide for the creation of a Department of Labor; to prescribe its powers and duties; to regulate the employment of labor; to make an appropriation for the maintenance of such department, and to prescribe penalties for the violation of this act."

Per Order,

OTIS,

For Committee.