

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 251

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*House of Representatives, Feb. 17, 1911.*

*Reported by Mr. Otis from Committee on Labor and ordered printed under joint rules, 500 extra copies being ordered.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT to provide for a Department of Labor and Industry; to prescribe its powers and duties; to regulate the employment of labor; to provide for factory inspection and to prescribe penalties for the violation of this act.

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

Section 1. The governor is hereby authorized and directed  
2 to appoint within thirty days after this act shall become law,  
3 and every third year thereafter, by and with the consent of  
4 the council, and also within thirty days after the occurrence  
5 of any vacancy in the office, a suitable person as commis-  
6 sioner of labor and state factory inspector, who shall hold  
7 his office until his successor be appointed and qualified. The

8 title of such officer shall be commissioner of labor and in-  
9 dustry, and state factory inspector, and the term of office  
10 of such commissioner shall be for a period of three years  
11 after such appointment. Such commissioner shall have an  
12 office in the state capitol building suitably furnished and  
13 equipped for the work of said department of labor and in-  
14 dustry. He shall perform his duties as herein provided  
15 and shall appoint a deputy who shall be clerk of the depart-  
16 ment, and deputy state factory inspector. The term of office  
17 of such deputy shall continue during the pleasure of such  
18 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 and thirteen, and  
4 biennially thereafter, statistical details relating to all depart-  
5 ments of labor and industrial pursuits in the state; to trade  
6 unions and other labor organizations and their effect upon  
7 labor and capital; to the number and character of industrial  
8 accidents and their effect upon the injured, their dependent  
9 relatives and upon the general public; to other matters re-  
10 lating to the commercial, industrial, social, educational, moral  
11 and sanitary conditions prevailing within the state, includ-  
12 ing the names of firms, companies or corporation, where  
13 located, the kind of goods produced or manufactured, the  
14 time operated each year, the number of employees classified  
15 according to age and sex, and the daily and average wages  
16 paid each employee; and the exploitation of such other sub-

17 jects as will tend to promote the permanent prosperity of  
18 the respective industries of the state. It shall also be the  
19 duty of the commissioner of labor to cause to be enforced  
20 all laws regulating the employment of children, minors and  
21 women; all laws established for the protection of health,  
22 lives and limbs of operators in workshops and factories, on  
23 railroads and other places; all laws regulating the payment  
24 of wages; and all laws enacted for the protection of the  
25 working classes now in force or that may hereafter be en-  
26 acted. In its biennial report the department shall also give  
27 an account of all proceedings which have been taken in  
28 accordance with the provisions of this act, or any of the  
29 other laws herein referred to, and in addition thereto, such  
30 remarks, suggestions and recommendations as the commis-  
31 sioner may deem necessary for the information of the Leg-  
32 islature.

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 corpora-  
4 tion operating within the state, and require full and com-  
5 plete answers to be made thereto and returned under oath;  
6 the commissioner shall have a seal, and have power to take  
7 and preserve testimony, to issue subpoenas, and administer  
8 oaths, and examine witnesses under oath in all matters re-  
9 lating to the duties herein required by said department of  
10 labor, such testimony to be taken in some suitable place in  
11 the vicinity to which the testimony is applicable. Witnesses

12 subpoenaed and testifying before the commissioner of said  
13 department shall be paid the same fees as witnesses before  
14 a supreme judicial court; such payment to be made from  
15 any funds at the disposal of the department of labor. Any  
16 person duly subpoenaed under the provisions of this act who  
17 shall wilfully neglect or refuse to attend, or refuse to an-  
18 swer any question propounded to him concerning the sub-  
19 ject of such examination as provided in this act, or if any  
20 person to whom a written or printed list of interrogatories  
21 has been furnished by said commissioner shall neglect or  
22 refuse to answer and return the same under oath, such per-  
23 son or persons shall be deemed guilty of a misdemeanor, and  
24 upon complaint of the commissioner before a court of com-  
25 petent jurisdiction, and upon conviction thereof, such per-  
26 son or persons shall be fined in a sum not less than twenty-  
27 five dollars nor more than one hundred dollars, or by im-  
28 prisonment in the county jail not exceeding thirty days, or  
29 by both such fine and imprisonment; provided, however,  
30 that no witness shall be compelled to go outside of the  
31 county in which he resides to testify. In the report of said  
32 department no use shall be made of the names of individ-  
33 uals, firms or corporations supplying the information called  
34 for by this act, unless by written permission, such informa-  
35 tion being confidential and not for the purpose of disclosing  
36 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 the  
5 same are open or in operation, for the purpose of gathering  
6 facts and statistics such as are contemplated by this act,  
7 and to examine into the methods of protection from danger  
8 to employees and the sanitary conditions in and around such  
9 buildings and places, and to make a record thereof of such  
10 inspection. If the commissioner as state factory inspector  
11 or any authorized agent of the department of labor shall  
12 find upon such inspection that the heating, lighting, venti-  
13 lation 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  
16 in case of fire or other disaster are not sufficient, or that  
17 the belting, shafting, gearing, elevators, drums, saws, cogs  
18 and machinery in such workshops and factories are located  
19 or are in a condition so as to be dangerous to employees  
20 and 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 work-  
25 shops or factories to make, within thirty days, the alterations  
26 or additions by him deemed necessary for the safety and  
27 protection of the employees; and if such alterations or ad-  
28 ditions are not made within thirty days from the date of  
29 such written notice, or within such time as said alterations

30 or additions can be made with proper diligence upon the  
31 part of such proprietors, owners or agents, said proprietors,  
32 owners or agents so notified shall be deemed guilty of a mis-  
33 demeanor, 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 "factory" means any premises  
5 where steam, water or other mechanical power is used in  
6 aid of any manufacturing process there carried on. The  
7 expression "workshop" means any premises, room or place,  
8 not being a factory as above defined, wherein any manual  
9 labor is exercised by way of trade, or for the purpose of  
10 gain in or incidental to any process of making, altering, re-  
11 pairing, ornamenting, finishing or adapting for sale any ar-  
12 ticle or part of an article, and to which or over which prem-  
13 ises, room or place the employer of the person or persons  
14 working therein has the right of access or control; pro-  
15 vided, however, that the exercise of such manual labor in a  
16 private house, or a private room by the family dwelling  
17 therein, or by any of them, or in case a majority of per-  
18 sons therein employed are members of such family, shall not

19 of itself constitute such house or room a workshop within  
20 this definition. The aforesaid expressions shall have the  
21 meanings above defined for them respectively in all laws of  
22 this state relating to the employment of labor, unless a dif-  
23 ferent meaning is plainly required by the context.

Sect. 6. All state, county, city and town officers are here-  
2 by directed to furnish said commissioner, upon his request,  
3 such statistical or other information contemplated by this  
4 act as 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  
3 a stenographer for the department of labor, he shall also  
4 employ a woman factory inspector, and he may also employ  
5 special agents and such other assistants as may be necessary  
6 in the discharge of the official duties of said department of  
7 labor; such special agents and other assistants shall be paid  
8 for the services rendered such compensation as the commis-  
9 sioner may deem proper, but no such agents or assistants  
10 shall be paid more than three dollars per day in addition to  
11 necessary traveling expenses, said agents and assistants shall  
12 work under the supervision and direction of the commis-  
13 sioner of labor.

Sect. 8. The salary of such commissioner shall be sixteen  
2 hundred dollars per year, and that of his deputy, thirteen  
3 hundred dollars per year, together with all necessary travel-  
4 ing expenses. The salary of the stenographer shall be six  
5 hundred dollars per year. All such salaries and other ex-



6 penses 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 of  
10 the salaries provided for by this section, shall not exceed for  
11 any two years the sum of nine thousand dollars, making the  
12 total annual appropriation for the department of labor for  
13 all purposes, eight thousand dollars. Provided, however,  
14 that any unexpended balance to the credit of the depart-  
15 ment of labor at the close of any year in which the Legis-  
16 lature regularly meets shall be carried over and made avail-  
17 able for use in the following 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  
2 Revised Statutes, as amended by chapter 215 of the Public  
3 Laws of 1909, chapter 180 of the Public Laws of 1909,  
4 sections 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 here-  
7 by repealed.