

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 431

House of Representatives, Mar. 3, 1911.

*Reported by Mr. Dunn from Committee on Legal Affairs, and
ordered printed under joint rules.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT in relation to Employment Agencies.

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

Section 1. No person shall open, keep or carry on any
2 employment agency in the State of Maine, unless every
3 such person shall procure a license therefor from the mu-
4 nicipal officers of the town where such employment agency
5 is to be located. Any person who shall open or conduct
6 any such agency without first procuring such license shall
7 be guilty of a misdemeanor and shall be punishable by a fine
8 of not less than fifty dollars (\$50.00) and not exceeding
9 three hundred dollars (\$300.00), or upon failure to pay
10 such fine by imprisonment for a period not exceeding six
11 months and not less than one month, or both, at the discre-

tion of the court. Such license shall be granted upon the payment to said municipal officers annually of a fee of twenty-five dollars. Such license shall be signed by a majority of the said municipal officers and shall continue in force from May first to May first of the succeeding year.

Every license so granted shall contain the name of the person licensed, a designation of the city, street and number of the house or building in which the person licensed is authorized to carry on the said employment agency and the number and date of such license. Such license shall not be valid to protect any other place than that designated in the license, unless consent is first obtained from the municipal officers and until the written consent of the surety or sureties on the bond required to be filed by section two of this Act to such transfer, be filed with the original bond. No such agency shall be located on premises where intoxicating liquors are sold or dispensed contrary to law, or shall any license be issued to any person, directly or indirectly engaged or interested in the sale of intoxicating liquors.

The application for such license shall be filed with the municipal officers at least one week prior to the date of hearing upon the said application and the said municipal officers shall act upon any application so made within thirty days from the date of the filing of said application. Such application shall be accompanied by the affidavits of two persons who have known the applicant (or the chief officers thereof, if a corporation) for two years at least, stating that the ap-

39 plicant is of good moral character and a resident of the State
40 and has been such for at least five years prior to the date of
41 such application.

Sect. 2. The municipal officers shall require such per-
2 son to file with said application for a license a bond in due
3 form in favor of the inhabitants of the city or town wherein
4 such application is made in the penal sum of one thousand
5 dollars, with one or more sureties, to be approved by said
6 municipal officers and conditioned that the obligor will con-
7 form to and not violate any of the duties, terms, conditions,
8 provisions or requirements of this Act.

If any person shall be aggrieved by the misconduct of any
10 such licensed person, such person may maintain an action in
11 his own name upon the bond of said employment agency,
12 in any court having jurisdiction.

Sect. 3. It shall be the duty of every such licensed person
2 to keep a register in which shall be entered in the English
3 language the date of every accepted application for employ-
4 ment, name and address of the applicant to whom employ-
5 ment is offered or promised, written name and address of
6 the person to whom applicant is sent for employment, and
7 of the fee received.

The aforesaid register of applicants for employment shall
9 be open during office hours to inspection by any one or more
10 of said municipal officers, their qualified agents, or any po-
11 lice officer when on duty.

No such licensed person, or his employees, shall knowingly
13 make any false entries in such register.

Sect. 4. Every licensed person shall give to each appli-
2 cant for employment from whom a fee or other valuable
3 thing shall be received for procuring such employment,
4 which fee or other valuable thing shall be and in no case
5 exceed the sum of one dollar, said fee being in full com-
6 pensation for all service of said licensed person, a receipt in
7 which shall be stated the name of the applicant, the amount
8 of the fee or other valuable thing, the date, the name or
9 nature of the employment or situation to be procured, and
10 the name and address of the person, firm or corporation, to
11 whom the applicant is referred or sent for work or em-
12 ployment. If the applicant does not obtain a situation, or
13 employment through the agency of such licensed person
14 within six days after the application as aforesaid, said li-
15 censed person shall return to said applicant on demand the
16 amount of the fee or other valuable thing so paid and de-
17 livered by said applicant to said licensed person, provided
18 that said person, seeking employment through such agency,
19 does not break any agreement he may make with said
20 licensed person, relative to time of entering into the em-
21 ployment sought for. Any licensed person shall not by him-
22 self, agent, or otherwise, induce or attempt to induce any
23 employee to leave his employment with a view to obtaining
24 other employment through such agency.

Sect. 5. No such licensed person shall send, or cause to be

2 sent, any female help or servants, or inmate or performer,
3 to enter any questionable place or place of bad repute, house
4 of ill fame, or assignation house, or to any house or place of
5 amusement kept for immoral purposes, or place resorted to
6 for the purpose of prostitution, vice, or gambling house, the
7 character of which such licensed person knows, either act-
8 ually or by reputation.

No such licensed person shall permit questionable char-
10 acters, prostitutes, gamblers, intoxicated persons, or pro-
11 curers to frequent such agency knowingly. No such li-
12 censed person shall accept any application for employment
13 made by or on behalf of any child, or shall place or assist in
14 placing any such child in any employment whatever in vio-
15 lation of law.

Sect. 6. The enforcement of this Act shall be entrusted
2 to the municipal officers during their term of office and un-
3 til the qualification of their successor or successors.

Complaints of the violation of any of the provisions of this
5 Act shall be made orally or in writing to said Municipal
6 officers and reasonable notice thereof, not less than one day,
7 shall be given in writing to such licensed person by serving
8 upon him concise statements of the facts constituting the
9 complaint, and the hearing shall be had before said municip-
10 al officers at such time and place as they may designate,
11 within one week from the date of the service of such com-
12 plaint upon such licensed person, and no adjournment shall
13 be taken for a period of longer than one week. Reasonable

14 notice of the time and place of hearing shall be given in
15 writing to such licensed person complained against. The
16 result of any such hearing shall be rendered within one
17 week from the date of hearing. The municipal officers may
18 refuse to issue and may revoke any license for any good
19 cause shown within the meaning and purpose of this Act,
20 and when it is shown to the satisfaction of a majority of said
21 municipal officers that any person is guilty of any immoral,
22 fraudulent or illegal act or conduct in connection with the
23 conducting of said business, it shall be the duty of said mu-
24 nicipal officers to revoke the license of such person, but no-
25 tice of such charges shall be presented in writing signed by
26 the party making the same and reasonable opportunity shall
27 be given such licensed person to defend himself in the man-
28 ner and form heretofore provided in this Section of this
29 Act. Whenever said municipal officers shall refuse to is-
30 sue or shall revoke any license of any employment agency,
31 said decision shall be final. Whenever for any cause such
32 license shall be revoked, said revocation shall take effect at
33 once after said revocation is announced, and such revocation
34 shall be considered good cause for refusing to issue another
35 license to said person or his representative, or to any person
36 with whom he is to be associated in the business of furnish-
37 ing employment or help. The violation of any of the pro-
38 visions of this Act except as is otherwise provided shall be
39 punishable by a fine not exceeding twenty-five dollars with
40 costs of prosecution, and any city magistrate, judge of a

41 municipal court, trial justice or any inferior magistrate hav-
42 ing original jurisdiction in criminal cases, shall have power
43 to impose said fine and costs, and in default of payment to
44 commit to the county jail or house of correction the person
45 so offending for a period not exceeding thirty days. Any
46 one of the municipal officers may institute criminal proceed-
47 ings to enforce the provisions of this Act before any court
48 of competent jurisdiction.

Sect. 7. All money paid to said municipal officers by rea-
2 son of any of the provisions of this Act shall be paid to the
3 town or city treasurer for the use of said city or town.

Sect. 8. Said licensed person shall exhibit in a public and
2 conspicuous place in his place of business or office, the li-
3 cense which he has obtained from said municipal officers of
4 the city or town wherein said agency is established.

Sect. 9. The term "person" in this Act shall include per-
2 sons, company, society, association, firm or corporation and
3 the term "employment agency" shall include the business of
4 keeping an intelligence office, employment bureaus or other
5 agencies by procuring work or employment for persons seek-
6 ing employment, or for acting as agents for procuring such
7 work or employment, where a fee or other valuable thing is
8 exacted, charged or received, or for procuring or assisting
9 to procure employment, work or situation of any kind or for
10 procuring or providing hereby for any person.

Sect. 10. This Act shall not apply to the employment of

2 seamen or shall the provisions of any section in this act
3 apply to teachers' agencies or charitable institutions.

Sect. 11. All acts or parts of acts inconsistent herewith are
2 hereby repealed.