

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 502

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*House of Representatives, March 9, 1911.*

*Introduced by Mr. Weymouth of Saco, who moved its reference to the Committee on Legal Affairs. By him tabled for printing pending reference to a committee.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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HUNDRED AND ELEVEN.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE

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AN ACT requiring safeguards for the protection of all persons employed or laboring in manufacturing establishments, and providing civil remedies for all persons so engaged, or their personal representatives, in cases where any such person may be killed or injured while employed or laboring in any manufacturing establishment which is not properly provided with the safeguards required by this act.

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

Section 1. Every person owning or operating any manufacturing establishment which may contain any elevator, hoisting shaft or well-hole shall cause the same to be properly and substantially enclosed or secured, in order to pro-

5 tect the lives or limbs of those employed in such establish-  
6 ment.

Sect. 2. Proper and substantial hand-rails shall be pro-  
2 vided in all stairways in manufacturing establishments. The  
3 stairs shall be properly secured at the sides and ends, and all  
4 doors leading into such establishments shall be so construct-  
5 ed as to open outwardly, and shall be neither locked, bolted  
6 nor fastened during working hours.

Sect. 3. Every person owning or operating any manufac-  
2 turing establishment in which machinery is used shall fur-  
3 nish and supply for use therein belt-shifters, or other safe  
4 mechanical contrivance, for the purpose of throwing on or  
5 off belts or pulleys, and wherever it is practicable machinery  
6 shall be operated with loose pulleys. All vats, pans, saws,  
7 planers, cog-gearing, belting, shafting, set-screws and ma-  
8 chinery of every description used in a manufacturing estab-  
9 lishment shall, where practicable, be properly and safely  
10 guarded, for the purpose of preventing or avoiding the death  
11 of or injury to the persons employed or laboring in any such  
12 establishment; and it is hereby made the duty of all persons  
13 owning or operating manufacturing establishments to pro-  
14 vide and keep the same furnished with safeguards as herein  
15 specified.

Sect. 4. If any person employed or laboring in any manu-  
2 facturing establishment shall be killed or injured in any case  
3 wherein the absence of any of the safeguards or precautions  
4 required by this act shall directly contribute to such death or

5 injury, the personal representatives of the person so killed,  
6 or the person himself, in case of injury only, may maintain  
7 an action against the person owning or operating such man-  
8 ufacturing establishment for the recovery of all proper  
9 damages. In cases where the action is brought by the per-  
10 sonal representative of the deceased, said action shall be  
11 governed in all respects not herein provided for by the pro-  
12 visions of the statutes now in force which authorize and reg-  
13 ulate the bringing of actions to recover damages in cases  
14 where the death of one is caused by the wrongful act or omis-  
15 sion of another; provided, action shall be commenced in the  
16 county where the accident occurred.

Sect. 5. In all actions brought under and by virtue of the  
2 provisions of this act, it shall be sufficient for the plaintiff to  
3 prove in the first instance, in order to establish the liability  
4 of the defendant, that the death or injury complained of re-  
5 sulted in consequence of the failure of the person owning or  
6 operating the manufacturing establishment where such death  
7 or injury occurred to provide said establishment with safe-  
8 guards as required by this act, or that the failure to provide  
9 such safeguards directly contributed to such death or injury.

Sect. 6. Manufacturing establishments, as those words are  
2 used in this act, shall mean and include all smelters, oil re-  
3 fineries, cement works, mills of every kind, machine and re-  
4 pair shops, and, in addition to the foregoing, any other kind  
5 or character of manufacturing establishment, of any nature  
6 or description whatsoever, wherein any natural products or

7 other articles or materials of any kind, in a raw or unfinished  
8 or incomplete state or condition, are converted into a new or  
9 improved or different form.

Sect. 7. . Wherever the expression occurs in this act in  
2 substantially the following words: "Every person owning  
3 or operating any manufacturing establishment," or where  
4 language similar to that is used, the word "person" in that  
5 connection shall be held and construed to mean any person  
6 or persons, partnership, corporation, receiver, trust, trustee,  
7 or any other person or combination of persons, either nat-  
8 ural or artificial, by whatever name he or they may be called.