

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

---

---

SEVENTY-FIFTH LEGISLATURE

---

---

SENATE

NO. 132

---

---

*In Senate Feb. 24, 1911.*

*Laid on table on motion of Mr. Staples of Knox for printing  
with Senate Amendments A and B.*

*W. C. HANSON, Secretary.*

---

---

STATE OF MAINE

---

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

---

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.

---

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

Section I. 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 commission-  
6 er of labor and state factory inspector, who shall hold his of-  
7 fice until his successor be appointed and qualified. The title

8 of such officer shall be Commissioner of Labor and Indus-  
9 try, and State Factory Inspector, and the term of office of  
10 such commissioner shall be for a period of three years after  
11 such appointment. Such commissioner shall have an office  
12 in the State capitol building suitably furnished and equipped  
13 for the work of said department of labor and industry. He  
14 shall perform his duties as herein provided and shall appoint  
15 a deputy who shall be clerk of the department, and deputy  
16 state factory inspector. The term of office of such deputy  
17 shall continue during the pleasure of 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  
3 the 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 relat-  
10 ing to the commercial, industrial, social, educational, moral  
11 and sanitary conditions prevailing within the State, includ-  
12 ing the names of firms, companies or corporations, where lo-  
13 cated, the kind of goods produced or manufactured, the time  
14 operated each year, the number of employees classified ac-  
15 cording to age and sex, and the daily and average wages paid  
16 each employee; and the exploitation of such other subjects  
17 as will tend to promote the permanent prosperity of the re-

18 spective industries of the state. It shall also be the duty of  
19 the commissioner of labor to cause to be enforced all laws  
20 regulating the employment of children, minors and women;  
21 all laws established for the protection of health, lives and  
22 limbs of operators in workshops and factories, on railroads  
23 and other places; all laws regulating the payment of wages  
24 and all laws enacted for the protection of the working classes  
25 now in force or that may hereafter be enacted. In its bien-  
26 nial report the department shall also give an account of all  
27 proceedings which have been taken in accordance with the  
28 provisions of this act, or any of the other laws herein refer-  
29 red to, and in addition thereto, such remarks, suggestions and  
30 recommendations as the commissioner may deem necessary  
31 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 any  
3 person, company or the proper officer of any corporation op-  
4 erating within the state, and require full and complete an-  
5 swers to be made thereto and returned under oath; the com-  
6 missioner shall have a seal, and have power to take and pre-  
7 serve 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 to  
11 which the testimony is applicable. Witnesses subpoenaed and  
12 testifying before the commissioner of said department shall  
13 be paid the same fees as witnesses before a supreme judicial

14 court; such payment to be made from any funds at the dis-  
15 posal of the department of labor. Any person duly sub-  
16 poened 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 fined  
26 in a sum not less than twenty-five dollars nor more than one  
27 hundred dollars, or by imprisonment in the county jail not  
28 exceeding thirty days, or by both such fine and imprison-  
29 ment; provided, however, that no witness shall be compelled  
30 to go outside of the county in which he resides to testify. In  
31 the report of said department no use shall be made of the  
32 names of individuals, firms or corporations supplying the  
33 information called for by this act, unless by written permis-  
34 sion, such information being confidential and not for the pur-  
35 pose 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 the

5 same are open, or in operation, for the purpose of gathering  
6 facts and statistics such as are contemplated by this act, and  
7 to examine into the methods of protection from danger to  
8 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 find  
12 upon such inspection that the heating, lighting, ventilation or  
13 sanitary arrangement of any workshops or factories is such  
14 as to be injurious to the health of the persons employed or re-  
15 siding therein or that the means of egress in case of fire or  
16 other disaster are not sufficient, or that the belting, shafting,  
17 gearing, elevators, drums saws, cogs and machinery in such  
18 workshops and factories are located or are in a condition so  
19 as to be dangerous to employees and not sufficiently guarded,  
20 or that vats, pans, or any other structures, filled with molten  
21 metal or hot liquids, are not surrounded with proper safe-  
22 guards for preventing accidents or injury to those employed  
23 at or near them, he shall notify, in writing, the owner, pro-  
24 prietor or agent of such workshops or factories to make,  
25 within thirty days, the alterations or additions by him deemed  
26 necessary for the safety and protection of the employees;  
27 and if such alterations or additions are not made within thir-  
28 ty days from the date of such written notice, or within such  
29 time as said alterations or additions can be made with proper  
30 diligence upon the part of such proprietors, owners or agents,  
31 said proprietors, owners or agents so notified shall be deemed

32 guilty of a misdemeanor, and upon complaint of the commis-  
33 sioner as state factory inspector before a court of competent  
34 jurisdiction, and upon conviction thereof, shall be fined in a  
35 sum not less than twenty-five dollars nor more than two hun-  
36 dred dollars, or by imprisonment not more than thirty days,  
37 or by both 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 aid  
6 of any manufacturing process there carried on. The ex-  
7 pression "workshop" means any premises, room or place, not  
8 being a factory as above defined, wherein any manual labor  
9 is exercised by way of trade, or for the purpose of gain in or  
10 incidental to any process of making, altering, repairing, orna-  
11 menting, finishing or adapting for sale any article or part of  
12 an article, and to which or over which premises, room or  
13 place the employer of the person or persons working therein  
14 has the right of access or control; provided, however, that  
15 the exercise of such manual labor in a private house, or a  
16 private room by the family dwelling therein, or by any of  
17 them, or in case a majority of persons therein employed are  
18 members of such family, shall not of itself constitute such  
19 house or room a workshop within this definition. The afore-  
20 said expressions shall have the meanings above defined for  
21 them respectively in all laws of this state relating to the em-

22 ployment of labor, unless a different meaning is plainly re-  
23 quired 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; he shall also em-  
4 ploy 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 commission-  
13 er 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 as  
7 salaries and expenses of other state departments and shall be  
8 payable upon proper vouchers certified by the commissioner.



9 Provided, that the amount thereof, exclusive of the salaries  
10 provided for by this section, shall not exceed for any two  
11 years the sum of nine thousand dollars, making the total an-  
12 nual appropriation for the department of labor for all pur-  
13 poses, eight thousand dollars. Provided, however, that any  
14 unexpended balance to the credit of the department of labor  
15 at the close of any year in which the legislature regularly  
16 meets shall be carried over and made available for use in the  
17 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 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 here-  
7 by repealed.

## AMENDMENT A.

Amend section four by inserting after the word "inspection" in line ten the following:

'And if any person, or person, shall refuse to allow the commissioner, or any authorized agent of the labor department to so enter, or shall refuse to give the information so desired by said commissioner or authorized agent, then said person, or persons, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not to exceed one hundred dollars, or by imprisonment for not more than ninety days, or both such fine and imprisonment, in the discretion of the court,' so that said section shall read as follows:

'Sect. 4. The commissioner as state factory inspector and any authorized agent of the labor department shall have power to enter any factory or mill, workshop, private works or state institutions which have shops or factories, when the same are open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and to make a record thereof of such inspection. And if any person, or persons, shall refuse to allow the commissioner, or any authorized agent of the labor department, to so enter, or shall refuse to give the information so desired by said commissioner or authorized agent,

26 then said person, or persons, shall be deemed guilty of a mis-  
27 demeanor, and, upon conviction thereof, before any court of  
28 competent jurisdiction, shall be punished by a fine not to ex-  
29 ceed one hundred dollars, or by imprisonment for not more  
30 than ninety days, or both such fine and imprisonment in the  
31 discretion of the court. If the commissioner as state factory  
32 inspector, or any authorized agent of the department of la-  
33 bor, shall find upon such inspection that the heating, light-  
34 ing, ventilation or sanitary arrangement of any workshops  
35 or factories is such as to be injurious to the health of the  
36 persons employed or residing therein or that the means of  
37 egress in case of fire or other disaster are not sufficient, or  
38 that the belting, shafting, gearing, elevators, drums, saws,  
39 cogs and machinery in such workshops and factories are lo-  
40 cated or are in a condition so as to be dangerous to employees  
41 and not sufficiently guarded, or that vats, pans, or any other  
42 structures, filled with molten metal or hot liquids, are not  
43 surrounded with proper safeguards for preventing accidents  
44 or injury to those employed at or near them, he shall notify,  
45 in writing, the owner, proprietor or agent of such workshops  
46 or factories to make, within thirty days, the alterations or  
47 additions by him deemed necessary for the safety and pro-  
48 tection of the employees; and if such alterations or additions  
49 are not made within thirty days from the date of such writ-  
50 ten notice, or within such time as said alterations or addi-  
51 tions can be made with proper diligence upon the part of  
52 such proprietors, owners or agents, said proprietors, owners

53 or agents so notified shall be deemed guilty of a misdemeanor,  
54 and upon complaint of the commissioner as state factory in-  
55 spector before a court of competent jurisdiction, and upon  
56 conviction thereof, shall be fined in a sum not less than  
57 twenty-five dollars nor more than two hundred dollars, or by  
58 imprisonment not more than thirty days, or by both such fine  
59 and imprisonment.

#### AMENDMENT B.

Amend House Document, No. 251, by adding the following:

Sect. 11. All authority heretofore vested in the Commis-  
3 sioner of the Bureau of Industrial and Labor Statistics as  
4 such, and the Inspector of Factories, Workshops, Mines and  
5 Quarries as such, are hereby vested in the Commissioner of  
6 Labor and Industry and State Factory Inspector as provided  
7 for in this act.