

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 259

House of Representatives, Feb. 18, 1913.

*Tabled pending reference to a committee, by Mr. Boman of
Vinalhaven, and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

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.

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 manu-
2 facturing establishment in which machinery is used shall
3 furnish and supply for use therein belt-shifters, or other
4 safe mechanical contrivance, for the purpose of throwing
5 on or off belts or pulleys, and wherever it is practicable
6 machinery shall be operated with loose pulleys. All vats,
7 pans, saws, planers, cog-gearing, belting, shafting, set-screws
8 and machinery of every description used in a manufactur-
9 ing establishment shall, where practicable, be properly and
10 safely guarded, for the purpose of preventing or avoiding
11 the death of or injury to the persons employed or laboring
12 in any such establishment; and it is hereby made the duty
13 of all persons owning or operating manufacturing establish-
14 ments to provide and keep the same furnished with safe-
15 guards as herein specified.

Sect. 4. No male person under eighteen years or woman
2 under twenty-one years of age shall be permitted or directed
3 to clean machinery while in motion. Children under six-
4 teen years of age shall not be permitted to operate or assist

5 in operating dangerous machines of any kind.

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

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

Sect. 7. Manufacturing establishments, as those words
2 are used in this act, shall mean and include all smelters, oil
3 refineries, cement works, mills of every kind, machine and
4 repair shops, and, in addition to the foregoing, any other
5 kind or character of manufacturing establishment, of any
6 nature or description whatsoever, wherein any natural prod-
7 ucts or other articles or materials of any kind, in a raw or
8 unfinished or incomplete state or condition, are converted
9 into a new or improved or different form.

Sect. 8. 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 natural
8 or artificial, by whatever name he or they may be called.