

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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HOUSE

NO. 364

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House of Representatives, March 7, 1919.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Smith of Skowhegan.

STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND NINETEEN

---

AN ACT to Amend Chapter Forty-two of the Revised Statutes as Amended by Chapter One Hundred and Thirty-nine of the Public Laws of Nineteen Hundred and Seventeen, Relating to Intelligence Officers.

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

Strike out all of section six and insert a new section to  
2 read as follows:

'Sect. 6. No person shall open, keep or carry on any  
2 employment agency in the state, unless such person shall  
3 first procure a license therefor from the state commissioner  
4 of labor. Any person who shall open or conduct any such  
5 agency without first procuring such license shall be guilty

6 of a misdemeanor and shall be punished by a fine of not  
7 less than fifty, nor more than three hundred dollars, or  
8 by imprisonment for not less than one month, nor more  
9 than six months, or by both fine and imprisonment. Such  
10 license may be granted upon the payment, annually, of a  
11 fee of two hundred dollars in cities and towns of a popu-  
12 lation of ten thousand or over, one hundred dollars in cities  
13 and towns of a population less than ten thousand and more  
14 than five thousand, and fifty dollars in cities and towns of  
15 a population of five thousand or less, one-half for the use  
16 of the city or town in which said agency shall be located  
17 and one-half for the state; the license shall be signed by  
18 the commissioner of labor, and shall continue in force  
19 from May first to May first of the succeeding year. Every  
20 license so granted shall contain the name of the person  
21 licensed, a designation of the city, street and number of  
22 the house or building in which the licensee is authorized  
23 to carry on the employment agency, and the number and  
24 date of such license, and shall be exhibited in a public  
25 and conspicuous place in the office or place of business  
26 of the licensee. Such license shall not be valid to protect  
27 any other place than that designated therein. The appli-  
28 cation for such license shall be filed with the commissioner  
29 of labor at least one week prior to the date of hearing  
30 thereon, and the commissioner shall act upon any appli-  
31 cation within thirty days after the filing thereof. Each  
32 application shall be accompanied by the affidavits of two

33 persons who have known the applicant, or the chief officers  
34 thereof, if a corporation, for two years at least, stating  
35 that the applicant is, or said officers are, of good moral  
36 character, and a resident, or residents, of the state and  
37 has, or have, been such for at least five years prior to the  
38 date of such applications.'

Strike out all of section seven and insert a new section to  
2 read as follows:

'Sect. 7. The commissioner of labor shall require such  
2 person to file with his application a bond to the treasurer  
3 of the state of Maine, in the penal sum of one thousand  
4 dollars, with one or more sureties, to be approved by the  
5 attorney general, conditioned that the obligor will con-  
6 form to and not violate any of the duties, terms, conditions,  
7 provisions or requirements of the last eight sections of  
8 this chapter. Whoever is aggrieved by the misconduct of  
9 any such licensed person, may maintain an action in the  
10 name of the state of Maine, but for his own benefit, upon  
11 the bond of such person, in any court having jurisdiction,  
12 and shall be liable for costs in such action, and the state  
13 shall not be liable.'

Strike out all of section eight and insert a new section  
2 to read as follows:

'Sect 8. Every such licensee shall keep a register in which  
2 shall be entered in the English language the date of every  
3 accepted application for employment, name and address  
4 of the applicant to whom employment is offered or prom-

5 ised, written name and address of the person to whom  
6 applicant is sent for employment, and of the fee received.  
7 The aforesaid register of applicants for employment shall  
8 be open during office hours for inspection by the com-  
9 missioner of labor or any authorized agent of the Maine  
10 department of labor and industry. No licensee, or his em-  
11 ployees, shall knowingly make any false entry in such  
12 register.'

Strike out all of section nine and insert a new section to  
2 read as follows:

'Sect. 9. Every licensee shall give to each applicant for  
2 employment from whom a fee or other valuable thing shall  
3 be received for procuring such employment, or to whom a  
4 charge is made therefor, which fee or other valuable thing  
5 shall in no case exceed the sum of fifty cents, a receipt,  
6 or a statement, in which shall be stated the name of the  
7 applicant, the amount of the fee or other valuable thing,  
8 the date, the name or nature of the employment or situa-  
9 tion to be procured, and the name and address of the  
10 person, firm or corporation, to whom the applicant is re-  
11 ferred or sent for work or employment. Such fee shall  
12 be in full compensation for all service of said licensee.  
13 If the applicant does not obtain a situation, or employ-  
14 ment through the agency of such licensee within six days  
15 after the application as aforesaid, said licensee shall return  
16 to said applicant on demand the amount of the fee or  
17 other valuable thing so paid and delivered by said appli-

18 cant to said licensee; provided the said person, seeking  
19 employment through such agency, does not break any  
20 agreement he may make with said licensee, relative to time  
21 of entering into the employment sought for. The man to  
22 be employed must be furnished with a duplicate card show-  
23 ing name, last residence, and name and residence of near-  
24 est relative or friend. No licensee shall by himself, agent,  
25 or otherwise, induce or attempt to induce any employee to  
26 leave his employment with a view to obtaining other em-  
27 ployment through such agency.'

Strike out all of section 11 and insert a new section to read  
2 as follows:

'Sect. 11. The enforcement of section six to fourteen, both  
2 inclusive, shall be entrusted to the commissioner of labor.  
3 Complaints of the violation of any provisions of said sec-  
4 tions shall be made to said commissioner of labor, and  
5 reasonable notice thereof, and of the time and place of  
6 hearing, not less than twenty-four hours, shall be given in  
7 writing to such licensee by serving upon him a concise  
8 statement of the facts constituting the complaint; the hear-  
9 ing shall be had before said commissioner of labor at such  
10 time and place as he may designate, within one week from  
11 the date of such service, and no adjournment shall be tak-  
12 en for a period longer than one week. The result of such  
13 hearing shall be announced within one week from the date  
14 thereof. The commissioner of labor may refuse to issue  
15 and may revoke any license for good cause shown within

16 the meaning and purpose of said sections; and when it is  
17 shown to the satisfaction of the commissioner of labor  
18 that any person is guilty of any immoral, fraudulent or  
19 illegal act or conduct in connection with said business,  
20 said commissioner of labor shall revoke the license of such  
21 person; but notice of such charges shall be presented in  
22 writing signed by the party making the same and reason-  
23 able opportunity shall be given such licensee to defend  
24 himself in the manner heretofore provided in this section.  
25 Whenever said commissioner of labor shall refuse to is-  
26 sue or shall revoke any license of an employment agency,  
27 his decision shall be final. Whenever for any cause such  
28 licensee shall be revoked, such revocation shall take ef-  
29 fect upon announcement of the decision, and such revoca-  
30 tion shall be considered good cause for refusing to issue  
31 another license to said person or his representative, or to  
32 any person with whom he is to be associated in the bus-  
33 iness of furnishing employment or help.

Enact a new section numbered 12 as follows:

Sect. 12. Whoever shall, either for himself or another,  
2 or as licensee under the provisions of this chapter, bring,  
3 or cause to be brought, any man or men into this state  
4 for the purpose of employment, shall, in case any such  
5 man or men become public charge or charges within a  
6 period of six months from the date of entry into this State,  
7 be liable to the state of Maine for the full expense arising  
8 because of such charge or charges, as audited by the Gov-  
9 ernor and Council.

The Attorney General, upon the complaint of the Governor  
2 and Council, shall at once institute proceedings for the  
3 collection of these claims and shall prosecute the same.

Enact a new section numbered 13 as follows:

'Sect. 13. Whoever shall engage in bringing men into  
2 this state for employment either for himself or itself, or  
3 as licensee under section six of this chapter in bringing  
4 men into this state for the purpose of furnishing them to  
5 others for employment, shall file notice thereof with the  
6 commissioner of labor and shall deposit with the treasurer  
7 of this state the sum of three hundred dollars, as a guaranty  
8 against such men becoming public charge or charges.

In case any such man or men shall become public charge  
2 or charges, the expenses accruing because of such charge  
3 or charges shall be paid by the state treasurer out of such  
4 fund, upon vouchers properly audited by the Governor and  
5 Council.

In case of any such expenses being paid out of said fund,  
2 the commissioner of labor, upon notice from the treasurer,  
3 shall immediately, in writing, request the depositor thereof  
4 to at once restore said fund. In case of a licensee under  
5 section six of this chapter, failure to restore said fund with-  
6 in ten days shall be sufficient cause for revocation of said  
7 license and shall be construed as a violation of this act,  
8 and said licensee shall be punished as provided in section  
9 15 of this chapter; and in case of other than a licensee, fail-  
10 ure to restore said fund within ten days from date of no-



11 tice shall be construed as a violation of this act and the  
12 depositor shall be punished as provided for in section 15  
13 of this chapter.

No charges shall be made against said fund on account  
2 of any man or men arising at a date later than six months  
3 from the date of entry into this state. At the expiration  
4 of six months from date of surrender or revocation of li-  
5 cense, or from date of notice to the commissioner of labor  
6 from a person, firm or corporation, that he or it will bring  
7 no more men into this state, the state treasurer shall, with  
8 the approval of the commissioner of labor, but not other-  
9 wise, pay over to the licensee or depositor the balance of  
10 such deposit, if any, in his hands after all charges as ap-  
11 proved by the Governor and Council shall have been paid;

Provided, that nothing herein contained shall in any way  
2 limit or decrease the liability of such licensee or depositor  
3 to the state of Maine for the full expense occasioned by  
4 such public charges, which full liability is hereby express-  
5 ly affirmed; and provided further, that no employee shall  
6 become a public charge within the meaning of this sec-  
7 tion by reason of any accident, nor because of sickness  
8 occasioned by an epidemic and certified to be such by the  
9 Board of Health in the town, city or plantation in which  
10 said employee may be, for the time being, located.'

Strike out all of section 13 and insert a new section to be  
2 numbered section 14 to read as follows:

'Sect. 14. The term "person" in the eight preceding sec-

2 tions shall include persons, company, society, association,  
3 firm or corporation, and the term "employment agency"  
4 shall include the business of keeping an intelligence office,  
5 employment bureaus or other agencies for procuring work  
6 or employment for persons seeking employment, or for  
7 acting as agents for procuring such work or employment,  
8 where a fee or other valuable thing is exacted, charged or  
9 received, or for procuring or assisting to procure, employ-  
10 ment, work or situation of any kind or for procuring or  
11 providing hereby for any person.'

Strike out all of section 12 and insert a new section to be  
2 numbered section 15, and to read as follows:

'Sect. 15. Whoever violates any provision of sections six  
2 to fourteen, both inclusive, of this chapter, except as is  
3 otherwise provided, shall be punished by a fine not exceed-  
4 ing two hundred dollars with costs of prosecution. Judges  
5 of municipal and police courts, and trial justices shall have  
6 jurisdiction of such offenses, and in default of payment may  
7 commit the respondent to the county jail or house of cor-  
8 rection for a period not exceeding thirty days. The com-  
9 missioner of labor shall institute criminal proceedings to  
10 enforce the provisions of said section.'