

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 839

H. P. 1796

House of Representatives, March 23, 1935.

Reported by Mr. Chase of Baring from Committee on Labor and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

NEW DRAFT OF H. P. 592, L. D. 171

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Hours of Labor.

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

R. S., c. 54, additional. Chapter 54 of the revised statutes is hereby amended by adding thereto the following new sections: to be renumbered by the revisor of statutes.

'Sec. 1. Scope of the act. Every employer of labor, whether a person, partnership, or corporation, operating any factory, mercantile establishment, transportation or public service company, hotel, restaurant, or freight or passenger elevator in this state, shall allow every person, except those specified in section 2, employed in, about, or in connection with such business or service at least 24 consecutive hours of rest in every calendar week. No employer shall operate any such business or service on Sunday, unless he shall have complied with the provisions of section 3; provided, however, that this act shall not authorize any work on Sunday not now authorized by law.

(a) "Factory," as used in this act, includes a mill, workshop or other manufacturing establishment and all buildings, sheds, structures or other

places used for or in connection therewith, where 1 or more persons is employed at manufacturing, including making, altering, repairing, finishing, refining, bottling, canning, cleaning or laundering any article or thing.

(b) "Mercantile establishment" means a place where 1 or more persons is employed in which goods, wares or merchandise are offered for sale and includes a building, shed, or structure, or any part thereof occupied in connection with such establishment.

Sec. 2. Exceptions. This act shall not apply to

- (1) janitors;
- (2) watchmen;
- (3) employees of steam railroads, and railway express companies;
- (4) employees whose duties include not more than 6 hours' work on Sunday in (a) setting sponges in bakeries; (b) caring for live animals; (c) maintaining fires or current; (d) necessary repairs to boilers or machinery or power lines;
- (5) superintendents or foremen in charge;
- (6) employees in dairies, creameries, milk condenseries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, oleomargarine factories, milk chocolate factories, plants manufacturing ice cream mix or ice cream, milk bottling plants, telegraph offices, and telephone exchanges, where not more than 7 persons are employed, (telegraph and telephone messengers shall not be included in the total of persons employed.)
- (7) emergencies and the protection of life and property.

Sec. 3. Schedule for Sunday workers. Before operating on Sunday, every employer shall post in a conspicuous place on the premises a schedule containing a list of his employees who are required or allowed to work on Sunday and designating the day of rest for each, and shall file a copy of such schedule with the commissioner of labor. The employer shall promptly file with the said commissioner a copy of every change in such schedule. No employee shall be required or allowed to work on the day of rest so designated for him.

Sec. 4. Time record. Every employer shall keep a time record showing the names and addresses of all employees and the hours worked by each of them in each day, and such time record shall be open to inspection by the commissioner of labor.

Sec. 5. Variations. The state board of arbitration shall constitute a

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board of appeals. If there shall be practical difficulties or unnecessary hardships in carrying out the provisions of this act the board of appeals may make a variation therefrom if the spirit of the act be observed, adequate provision made for public health, and substantial justice done. Such variation shall be by resolution adopted by a majority vote after public hearing. It shall describe the conditions under which it shall be permitted and shall apply to all substantially similar cases. The variation shall be published in the labor department bulletin and a properly indexed public record of variations granted and denied shall be kept on file in the offices of the department.

Sec. 6. Separability. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby. It is the legislative intent to authorize the board of appeals, as far as is constitutionally permissible, to adapt the provisions of this act to the conditions found by the board to exist within this state.

Sec. 7. Enforcement. The commissioner of labor shall enforce this act.

Sec. 8. Penalty. Every employer who violates the provisions of this act, or any of them, shall be liable to the state for a penalty of \$50 for each offense, recoverable by civil action by the commissioner of labor.'