

# MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H   L E G I S L A T U R E

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**Legislative Document**

**No. 828**

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S. P. 388

In Senate, February 14, 1939.

Referred to Committee on Labor. Sent down for concurrence and 1,000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Chase of Washington.

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S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE

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**AN ACT Relating to Standards of Employment.**

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

**Sec. 1. Declaration of policy.** It is declared to be the policy of this act (1) to establish so far as and as rapidly as possible minimum wage and maximum hour standards at levels consistent with the health, and efficiency, and general well-being of workers, and (2) to safeguard existing minimum wage and maximum hour standards which are adequate to the health, efficiency, and general well-being of workers from the effects of the serious and unfair competition resulting from wage and hour standards detrimental to the health, efficiency, and general well-being of workers, and (3) to increase employment opportunities.

**Sec. 2. Definitions.** As used in this act: (a) "Commissioner" shall mean the commissioner of labor and industry.

(b) "Employ" includes permit or suffer to work.

(c) "Employer" includes any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States.

(d) "Employee" includes any individual employed by an employer, but shall not include any individual employed (1) in a bona fide executive or professional capacity, as such terms are defined and delimited by regulations of the commissioner, (2) in agriculture, and (3) in domestic service in a private home.

(e) "Industry" means a trade, business, industry, or branch thereof, or group of industries in which individuals are employed.

(f) "Wage" means, except as the commissioner may provide under section twelve, legal tender of the United States, or checks on banks convertible into cash on demand at full face value thereof and shall not include tips or gratuities of any kind.

(g) "Week" means any period of 7 consecutive days.

(h) "Day" means any period of 24 consecutive hours.

(i) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices, including any forestry or lumbering operations, performed by a farmer on a farm as a necessary incident to the above farming operations, including delivery to storage or to market or to carriers for transportation to market.

**Sec. 3. Minimum wages.** Every employer shall pay to each employee employed by him wages at the following rates:

(1) during the first year from the effective date of this act, not less than 30 cents an hour;

(2) during the next 6 years from such date, not less than 35 cents an hour;

(3) after the expiration of 7 years from such date, not less than 45 cents an hour, except that in any industry in which a minimum wage has been prescribed in an order of the commissioner issued under section seven, such minimum wage (in no event to be less than a rate of 35 cents an hour) shall apply; and

(4) at any time after the effective date of this act, not less than the rate prescribed in the applicable order of the commissioner issued under section seven.

**Sec. 4. Maximum hours.** (a) No employer shall, except as hereinafter provided in this section, employ any employee:

(1) during the first year from the effective date of this act for more than 8 hours a day or 44 hours a week,

(2) during the second year from such date for more than 8 hours a day or 42 hours a week,

(3) after the expiration of the second year from such date for more than 8 hours a day or 40 hours a week unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than  $1\frac{1}{2}$  times the regular rate at which he is employed, provided, however, that (notwithstanding anything to the contrary contained in this act or in any other provision of law) no employer shall employ any minor under 16 years of age or any female in any workshop, factory, manufacturing or mechanical establishment, or in any telephone exchange employing more than 3 operators, or in any mercantile establishment, store, restaurant, laundry, telegraph office, or any express or transportation company in the state, more than 8 hours in any 1 day, except when a different apportionment of hours of employment is made for the sole purpose of making a shorter day's work for 1 day of the week; and in no case shall the hours of employment exceed 44 in 1 week. The provisions of this subdivision of this subsection may be suspended upon an order by the commissioner for a period of not more than 10 days immediately prior to Easter Sunday, May 30th, or December 25th, but such order shall be effective only as to those retail establishments or services which are deemed by the commissioner to then have "rush periods", so-called, which require such excess hours of employment for public convenience or necessity; provided, however, that the employer shall pay each employee so employed at not less than his regular rate of pay for each hour employed in excess of the hours specified in this subdivision.

(b) The provisions of section 4 (a) shall not apply to any employee employed in such extraordinary emergencies as those resulting directly from fire, flood, storm, or similar natural forces, or epidemic of illness or disease, which require employment in excess of the hours specified in section 4 (a) in order that life, health, or property may be preserved; provided, however, that the employer shall pay each employee so employed at not less than his regular rate of pay for each hour employed in excess of the hours specified in section 4 (a); provided, further, that in each case the employer shall immediately notify the commissioner of such excess employment by written report in such manner and form as the commissioner shall designate, and in such cases no employment in excess of the hours authorized under the provisions of section 4 (a) shall be considered as legalized until such written report of the day and hour of its occurrence and its duration, and such other information as the commissioner may require, is sent to the commissioner.

(c) No employer shall be deemed to have violated subdivisions (1), (2), and (3) of subsection (a) of this section by employing any employee in excess of the hours specified in such subdivisions without paying the compensation for overtime employment prescribed therein, if such employee is so employed at not less than his regular rate of pay for each hour employed in excess of the hours specified in such subdivisions for a period or periods of not more than 14 weeks in the aggregate in any calendar year in an industry or business, the materials and products of which are perishable and require immediate labor thereon to prevent decay thereof or damage thereto, found by the commissioner to be a seasonal nature.

(d) No contracts for labor shall require employment in excess of the hours specified in section 4 (a) subdivisions 1, 2, and 3, unless reference is made in such contract to this section and the hours specified in section 4 (a) subdivisions 1, 2 and 3 are plainly and clearly set out; provided, however, that this subsection shall not apply as to persons not included under the term "employee" as herein defined; provided, further, that unless a contract for labor shall contain a stipulation to the contrary, 8 hours of actual labor shall constitute a legal day's work except in agricultural employments.

**Sec. 5. Wage investigations; appointment of wage boards.** For the purpose of carrying out the declared policy of this act, the commissioner, upon his own motion, may, or upon the petition of 100 or more residents of the state, shall, investigate the wages paid to employees employed in any industry to ascertain whether any substantial number of such employees are receiving wages which are less than sufficient to maintain the employees in health, efficiency and general well-being. If, as a result of investigation, the commissioner determines that any substantial number of employees employed in any industry are receiving such wages he shall appoint a wage board to recommend a minimum wage for such industry. The issuance of a wage order for an industry pursuant to section 7 shall not preclude the commissioner from again appointing a wage board in accordance with this section to recommend a minimum wage for such industry.

**Sec. 6. Wage boards; powers and duties; recommendations.** (a) A wage board shall be appointed by the commissioner without regard to any other provisions of law regarding the appointment and compensation of employees of the state. It shall include a number of disinterested persons representing the public, one of whom the commissioner shall designate as chairman, a like number of persons representing employees

in the industry, and a like number representing employers in the industry. The representatives of the employers and the employees shall be selected so far as practicable from nominations submitted by employers and employees, or organizations thereof, in such industry. Two thirds of the members of such wage board shall constitute a quorum and its recommendations shall require a vote of not less than a majority of all its members. The members of a wage board shall be entitled to compensation at the rate of not to exceed \$6 per day for each meeting attended by them, or each day actually spent in the work of the board. They shall also be paid their reasonable and necessary traveling and other expenses while engaged in the performance of their duties. The commissioner shall make rules and regulations not inconsistent with this act governing the selection of a wage board and its mode of procedure.

(b) The commissioner shall present to a wage board all the evidence and information in his possession relating to the wages in the industry for which the wage board was appointed and all other information which the commissioner deems relevant to the establishment of a minimum wage for such industry and shall cause to be brought before the board any witnesses whom the commissioner deems material. A wage board may summon other witnesses or call upon the commissioner to furnish additional information to aid in its deliberations.

(c) Within 60 days of its organization, a wage board shall submit to the commissioner its recommendations as to a minimum wage, which in no case shall be less than the rate prescribed by section 3 (2), to be paid by employers in the industry considered, which it determines to be as nearly adequate as is economically feasible to maintain the minimum standard of living necessary for the health, efficiency, and general well-being of workers. These recommendations may include terms and conditions relating to part-time employment, including the wage rates to be paid therefor and suitable treatment of other cases or classes of cases, which, because of the nature and character of the employment, in the judgment of the board justifies special treatment. In making such recommendations a wage board shall consider, among other relevant factors (1) cost of living, (2) the wages established in the state for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing, and (3) the wages paid in the state for work of like or comparable character by employers who voluntarily maintain reasonable minimum wage standards. If the report of the wage board is not submitted within 60 days, the commissioner may appoint a new wage board.

**Sec. 7. Wage orders.** (a) Upon the filing of the wage board's report, the commissioner, after due notice to interested persons and a public hearing thereon, shall by order approve and carry into effect the recommendations contained in such report, if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the public hearing, and will carry out the purposes of this act; otherwise he shall disapprove such recommendations. If the commissioner disapproves such recommendations, he shall again refer the matter to the same wage board, or to another wage board for such industry (which he may appoint for such purpose), for further consideration and recommendations. Due notice of any hearing provided for in this section shall be given by publication in such newspapers and by such other means as the commissioner deems reasonably calculated to give general notice to interested persons.

(b) Orders issued under this section shall define the industry to which they shall apply and may include such administrative regulations as the commissioner finds necessary to carry out the purposes of this act and of the orders. Except as provided in section 10, the rates established by any minimum wage order shall apply alike to all employees regardless of age or sex.

(c) No such order shall take effect until 30 days after due notice is given of the issuance thereof by publication in such newspapers and by such other means as the commissioner deems reasonably calculated to give to interested persons general notice of such issuance. A certified copy of each such order shall be filed in the office of the secretary of state.

**Sec. 8. Right of review.** (a) Any person aggrieved by an order of the commissioner issued under section 7 may obtain a review of such order in the superior court of the county wherein such person resides or transacts business, by filing in such court, within 30 days after the entry of such order, a written petition praying that the order of the commissioner be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the commissioner, and thereupon the commissioner shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part, so far as it is applicable to the petitioner. The review by the court shall be limited to questions of law, and findings of fact by the commissioner when supported by evidence shall be conclusive. No objection to the order of the commissioner shall be considered by the court unless such objection shall have been urged before the commissioner or unless there were reasonable grounds for failure so to do. If application is

made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the commissioner, the court may order such additional evidence to be taken before the commissioner. The commissioner may modify his findings by reason of the additional evidence so taken (but in no case may he modify the recommendations of a wage board, except upon and in accordance with the further recommendations of such a wage board), and shall file with the court such modified or new findings which if supported by evidence shall be conclusive, and shall file also his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court shall be final, subject to right of appeal to the next law term of the supreme judicial court.

(b) The commencement of proceedings under subsection (a) of this section, shall not, unless specifically ordered by the court, operate as a stay of the commissioner's order. The court shall not grant any stay of the order unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the order, in the event such order is affirmed, of the amount by which the compensation such employees are entitled to receive under the order exceeds the compensation they actually receive while such stay is in effect.

**Sec. 9. Investigations; inspections; records.** (a) The commissioner is authorized, and it shall be his duty, to enforce the provisions of this act and any orders issued thereunder. For administrative purposes, there is hereby created within the department of labor and industry a wage and hour division. Said division shall be under the charge of a director and shall be organized in the same manner as other bureaus or divisions of the said department of labor and industry. If he deems such action advisable for the more efficient and economical administration of the work and duties of the department of labor and industry, the commissioner, regardless of the provisions of any other law, may combine or consolidate the activities of any other division or bureau of the said department with those of the wage and hour division. The commissioner shall have the authority to appoint the director of the wage and hour division and such assistants and other employees as may be necessary for the proper enforcement of this act and to fix their salaries or other compensations. Such salaries and other compensations, and the reasonable and necessary traveling and other expenses of such director



and assistants and other employees, while actually in performance of their duties, shall be paid from the state treasury upon the audit and warrant of the controller, upon vouchers approved by such director. The director may utilize such voluntary and uncompensated services as from time to time may be needed. All employees of the division with the exception of its director, attorneys and supervisors for local areas shall be appointed by the commissioner from eligible lists promulgated by the state personnel board. No political test, endorsement, or qualification of any person seeking appointment or promotion shall be given, sought, or given consideration by the commissioner. Attorneys appointed under this section may, at the direction of the director or commissioner, appear for and represent the division or the department in any case in court.

(b) The commissioner or his authorized representative may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in the state, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this act, or which may aid in the enforcement of the provisions of this act, or in connection with the recommendation of further legislation.

(c) Every employer shall keep in or about the premises wherein any employee is employed a true record of the name, address, and occupation of each such employee, of the amount paid each pay period to each such employee, of the hours worked each day and each work week by each such employee, and of such other information and for such periods of time as the commissioner may by regulation or order prescribe. The commissioner or his authorized representative shall for the purpose of examination have access to and the right to copy from such records, and every employer shall furnish to the commissioner or his authorized representative on demand a sworn statement of such records, and, if the commissioner shall so require, upon forms prescribed or approved by him. Every employer shall furnish to the commissioner or his authorized representative such information relating to the employment of workers and in such manner as the commissioner may require. Every employer shall keep a printed abstract of the law and a copy of any minimum wage order to which he may be subject conspicuously posted in or about the premises wherein any person subject thereto is employed. Employers shall be furnished copies of such abstract and orders on request without charge.

(d) Any employer who hinders or delays the commissioner or his authorized representative in the performance of his duties in the enforce-

ment of this act; or who refuses to admit the commissioner or his authorized representative to any place of employment; or who fails to keep or falsifies any record required under the provisions of this section or who refuses to make such records accessible or to furnish a sworn statement thereof or to give information required for the proper enforcement of this act, upon demand, to the commissioner or his authorized representative; or who fails to post an abstract of this law or a copy of a minimum wage order as required by this section shall be deemed to have violated this act.

**Sec. 10. Learners; apprentices; handicapped workers.** The commissioner may by regulations or by orders provide for the employment, under special certificates issued pursuant to regulations of the commissioner, (1) of learners, at such wages lower than the applicable minimum wage and subject to such limitations as time, number, proportion, and length of service as the commissioner shall prescribe, (2) of apprentices, at such wages lower than the applicable minimum wage as are approved by the state apprenticeship council, and (3) of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, at such wages lower than the applicable minimum wage and for such period as shall be fixed in such certificates.

**Sec. 11. Oaths; affidavits; subpoenas.** (a) The commissioner or his authorized representative, or a wage board, shall have the power to administer oaths, to take or cause to be taken the depositions of witnesses, and to require by subpoena the attendance and testimony of witnesses and the production of all books, records, and other evidence relative to any matter under investigation. Such subpoenas shall be signed and issued by the commissioner or his authorized representative, or by the chairman of the wage board, as the case may be. In cases of failure of any person to comply with any subpoena lawfully issued under this section or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of any superior court, or the judge thereof in vacation or otherwise, upon application of the commissioner or his authorized representative, or the chairman of the wage board, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by such court or a refusal to testify therein. The commissioner shall have the power to certify to official acts.

(b) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the commissioner or his

authorized representative or a wage board, or in obedience to the subpoena of the commissioner or his authorized representative or a wage board or in any cause or proceeding instituted under this act, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

**Sec. 12. Regulations and orders.** (a) The commissioner shall have the power to issue such regulations and orders as are necessary or appropriate to carry out the provisions of this act. Such regulations or orders, without being limited thereto, may include such terms and conditions, including the restriction or prohibition of industrial homework or of such other acts or practices, as the commissioner finds necessary or appropriate to carry out the purposes of the act, or of a wage order issued thereunder, and to prevent the circumvention or evasion thereof and to safeguard the standards therein established; and shall include such partial or total restrictions or prohibitions on the employment (notwithstanding the payment of time and one-half the regular rate of pay) of employees in excess of the hours specified in section 4 (a) subdivisions (1), (2) and (3) as he finds necessary to prevent the circumvention of the intent of such subdivisions to reduce hours of labor by the reduction in wage rates to avoid the penalizing effect of the overtime compensation provisions, or by other devices; and may permit reasonable deductions from the minimum wage applicable under the act or wage order issued pursuant thereto for board, lodging or other similar services furnished by an employer to his employees, if such board, lodging or other similar services are customarily furnished by such employer to his employees.

(b) Regulations or orders of the commissioner issued pursuant to subsection (a) of this section which relate to industrial homework or to employment in excess of the hours specified in section 4 (a) subdivisions (1), (2), and (3) shall be made only after notice to interested persons and a public hearing by the commissioner at which such persons may be heard:

(c) Regulations or orders issued pursuant to this section shall take effect upon publication in such newspapers and by such other means as the commissioner deems reasonably calculated to give to interested persons general notice of such issuance.

**Sec. 13. Cooperation with federal agency.** The department of labor and industry may and it is hereby authorized to assist and cooperate with the Wage and Hour Division, U. S. Department of Labor, in the enforcement within this state of the Fair Labor Standards Act of 1938, approved June 25, 1938, and, subject to the regulations of the Administrator of the Wage and Hour Division and the laws of the state applicable to the receipt and expenditure of moneys, may be reimbursed by said division for the reasonable cost of such assistance and cooperation.

**Sec. 14. Penalty provisions; collection of unpaid wages.** (a) Any employer who violates any provision of this act or of a wage order issued pursuant to section 7, or any regulation or order of the commissioner issued under the authority of this act, or who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his employer, the commissioner, or any other person, or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceedings, or has served or is about to serve on a wage board, shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$500, or by imprisonment for not less than 10 nor more than 90 days, or by both such fine and imprisonment, except that, in the case of violations of the provisions of section 4 (a) subdivision 4, the fine shall in no case be less than \$50 for the second offense and for the third offense and every subsequent offense, not less than \$250. Each day a violation shall continue shall constitute a separate offense.

Failure of an employer to pay an employee the minimum wage or overtime compensation, if any, required by sections 3 and 4, subdivisions (1), (2), and (3) respectively, in full, within 5 days after the end of the customary pay period during which the wages were earned, shall constitute prima facie evidence of a violation of such sections.

(b) (1) Any employer who violates any provisions of sections 3 or 4, subdivisions (1), (2), and (3) of this act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or unpaid overtime compensation, as the case may be, and in an additional equal amount of liquidated damages.

(2) Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated, or such employee or employees may designate an agent or representative to maintain such action for and in behalf of all employees similarly situated. The court in such action shall, in addition to any judgment awarded to the

plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and cost of the action. At the request of any person paid less than the amount to which he is entitled under the provisions of this act the commissioner may take an assignment in trust for the assigning employee of the full amount to which he is entitled under this subsection and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action. The commissioner in case of suit shall have power to join various claimants against the same employer in one cause of action.

(c) Whenever it shall appear to the commissioner that any employer is engaged in any act or practice which constitutes or will constitute a violation of any provision of this act, or of any provision of any regulation or wage order issued thereunder, he may in his discretion bring an action in the supreme court in equity to enjoin such act or practice and to enforce compliance with this act or with such regulation or wage order, and upon a proper showing, a permanent or temporary injunction or decree or restraining order shall be granted without bond.

**Sec. 15. Relation to other laws.** Where any other state law or any federal law or any municipal ordinance, or any order or regulation issued thereunder establishes a minimum wage higher than the minimum wage established under this act or maximum hours lower than the maximum hours established under this act, such law, ordinance, order, or regulation, shall continue in full force and effect together with the provisions of this act. No provision of this act shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage under this act, or justify any employer in increasing hours of employment maintained by him which are shorter than the maximum hours applicable under this act.

**Sec. 16. Right of collective bargaining protected.** Nothing in this act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively through representatives of their own choosing in order to establish wages in excess of the applicable minima under this act, or to establish hours of work shorter than the applicable maxima under this act.

**Sec. 17. Validating provisions.** If any clause, sentence, paragraph, or part of this act or the application thereof to any person or circumstances,

shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, and the application thereof of such clause, sentence, paragraph, or part to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

**Sec. 18. Effective date.** This act shall take effect as provided by law ; except that section 3, section 4 and subsection (a) and subsection (b) of section 21 shall not take effect until the expiration of 30 days from such effective date.

**Sec. 19. Constitutionality of act.** If any section, subsection, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

**Sec. 20. Short title.** This act shall be known as and may be cited and referred to as the "Maine Wage And Hour Act of 1939."

**Sec. 21. Amendatory provisions.** No provision of this act shall in any way repeal or affect the validity of any state law or any order or regulation issued thereunder establishing or authorizing the establishment of minimum wages or maximum hours, nor in any way interfere with the rights of the commissioner to proceed under any such law, order or regulation, or to issue, rescind, or modify orders or regulations under any such law ; provided, however, that insofar as the provisions of this act are inconsistent with the provisions of any such law, order, or regulation, the provisions of this act shall be controlling, and provided, further, that all acts or parts of acts inconsistent herewith are hereby repealed or amended to conform with the provisions contained herein, including (without limiting the generality of the foregoing) subsections (a) to (i) both inclusive, of this section, as hereinafter set out.

(a) Section 21 of chapter 54 of the revised statutes, and section 1 of chapter 144 of the public laws of 1931 are hereby repealed.

(b) Section 22 of chapter 54 of the revised statutes is hereby repealed and in place thereof a new section is hereby enacted to read as follows :

**'Sec. 22. Hours of labor of children under 16 years of age regulated.** No minor under 16 years of age shall be employed or permitted to work in or in connection with any workshop, factory, manufacturing or mechanical establishment, or any bowling-alley or pool room, before the hour

of 6:30 o'clock in the morning or after the hour of 6 o'clock in the evening of any one day.

(c) Section 23 of chapter 54 of the revised statutes, and section 2 of chapter 144 of the public laws of 1931 are hereby repealed.

(d) Section 24 of chapter 54 of the revised statutes is hereby repealed and in place thereof a new section is hereby enacted to read as follows:

**'Sec. 24. No female to be employed more than 6 hours continuously; exceptions. No female shall, except in case of emergency arising directly from fire, flood, storm, or similar natural forces, or epidemic of illness or disease, be employed or be permitted to work for more than 6 hours continuously at 1 time in any workshop, factory, manufacturing or mechanical establishment, telephone exchange, or in any mercantile establishment, store, restaurant, laundry, telegraph office, or by any express or transportation company in the state, in which 3 or more such females are employed, without an interval of at least 1 hour, except that such female may be so employed for not more than 6½ hours continuously at 1 time if such employment ends not later than 1:30 o'clock in the afternoon and if she is then dismissed for the remainder of the day, but shall not apply to any telephone exchange where the operator during the night is not required to operate at the switchboard continuously but is able to sleep the major part of the night.'**

(e) Section 25 of chapter 54 of the revised statutes is hereby repealed and in place thereof a new section is hereby enacted to read as follows:

**'Sec. 25. Employers to be posted printed notices stating hours of labor for females and minors for each day of the week. Every employer shall post and keep posted in a conspicuous place in every room, in which employees subject to the provisions of the Maine Wage And Hour Act of 1939 are employed, in any workshop, factory, manufacturing or mercantile establishment, telephone exchange employing more than 3 operators, or in any mercantile establishment, store, restaurant, laundry, telegraph office, or by any express or transportation company in the state, a printed notice stating the number of hours such employees are required or permitted to work, the hours of beginning and ending and the recess allowed for meals; provided, however, that every employer engaged in furnishing public service or in any other kind of business in respect to which the wage and hour division of the state department of labor and industry shall find that public necessity or convenience requires that employees be employed by shifts during different periods or parts of the day, shall post in a conspicuous place in every room in which such persons are employed, a print-**

ed notice stating separately the hours of employment for each shift or tour of duty, and the amount of time allowed for meals. The printed form of such notice shall be furnished by the state department of labor and industry.

The employment of any such employee for a longer time in any day than that statement in the printed notice, or, in case the hours named in such notice are less than as specified by or authorized under the provisions of the Maine Wage And Hour Act of 1939, the employment of any such employee for a longer time in any day than is so specified or authorized shall be deemed a violation of the provisions of this section; except in such extraordinary emergencies as those resulting directly from fire, flood, storm, or similar natural forces, or epidemic of illness or disease, which require employment in excess of the hours so stated, or so specified or authorized, in order that life, health or property may be preserved, and in such emergencies no such excess employment shall be considered as legalized until a written report, in such manner and form as the commissioner shall designate, of the day and hour of its occurrence and its duration and such other information as the commissioner may require, is sent to the commissioner. Whenever it is determined by the commissioner that the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all such employees, the commissioner may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends and requiring only the posting of the total number of hours which such employees are required or permitted to work on each day of the week and the hours of beginning and stopping such work with the total time allowed for such recess. Such permits shall be kept by such employer upon such premises and exhibited to the commissioner, his deputy, or any authorized agent of the labor department, who is hereby authorized to enforce this chapter.

(f) Section 26 of chapter 54 of the revised statutes is hereby repealed and in place thereof a new section is hereby enacted to read as follows:

**'Sec. 26. Employers making false statements, liable. Any employer who makes any false statement to the commissioner of labor and industry and state factory inspector, his deputy, or any authorized agent of the labor department in reply to any question put in carrying out the provisions of sections 22, 24, 25, or 26 shall be liable for a violation thereof'**

(g) Section 27 of chapter 54 of the revised statutes is hereby repealed.

(h) Section 32 of chapter 54 of the revised statutes is hereby amended to read as follows:



**'Sec. 32. Penalty for employer for violation of law.** Any person, firm or corporation, agent or manager of any firm or corporation, who either for himself or for some firm or corporation, or by himself, or through his agents, servants or foremen, employs, permits or suffers any child to be employed, or to work in violation of any of the provisions of sections 18, 19, 20, 28, 29, 30 or 31, or otherwise fails to comply with any of the provisions of said sections, shall be punished by a fine of not less than \$25, nor more than \$200.

Any person who violates any of the provisions of sections ~~twenty-one to~~ **22, 24, 25, or 26** inclusive shall be punished by a fine of not less than \$25 nor more than \$50 for the first offense; for the second offense by a fine of not less than \$50 nor more than \$200; for a third offense and for every subsequent offense by a fine of not less than \$250 nor more than \$500.'

(i) Section 63 of chapter 96 of the revised statutes is hereby repealed.