

# MAINE STATE LEGISLATURE

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CORRECTED COPY OF L. D. 1085

By inadvertence two sections were omitted in printed copy L. D. 1085.

NEW DRAFT OF S. P. 342—L. D. 638

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

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**Legislative Document**

**No. 1085**

S. P. 524

In Senate, April 2, 1941.

Reported by Senator Farris of Kennebec from Committee on Labor and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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

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

**Sec. 1. R. S., c. 54, § 21, amended.** Section 21 of chapter 54 of the revised statutes, as amended by chapter 144 of the public laws of 1931, is hereby repealed and the following enacted in place thereof:

**'Sec. 21. Persons not to be employed more than 48 hours in 1 week; minors under 16 years of age not to be employed more than 8 hours a day. No person shall be employed in any workshop, factory manufacturing or mercantile establishment or laundry for more than 48 hours in any 1 week, unless such employee receives compensation for his employment in excess of the hours above specified at a rate to be determined by agreement between such employee and his employer. No minor under 16 years of age shall be employed in any of the said establishments or occupations more than 8 hours in any 1 day.'**

**Sec. 2. R. S., c. 54, § 23, amended.** Section 23 of chapter 54 of the revised statutes, as amended by chapter 144 of the public laws of 1931, is hereby repealed and the following enacted in place thereof:

**Sec. 23. Hours of labor regulated in certain employment; employment of minors; exceptions.** No person shall be employed in any telephone exchange or in any mercantile establishment, store, restaurant, laundry, or by any express or transportation company in the state of Maine more than 48 hours in any 1 week, unless such employee receives compensation for his employment in excess of the hours above specified at a rate to be determined by agreement between such employee and his employer. No minor under 16 years of age shall be employed in any of the said establishments or occupations more than 8 hours in any one day. The provisions of sections 21 and 23 shall not apply with respect to (1) any employee working in an executive, administrative, professional or supervisory capacity, who receives remuneration on an annual salary basis of not less than \$1200, or local retailing capacity, or in the capacity of outside salesman; (2) seamen or agricultural workers; (3) employees in small telephone exchanges; (4) those engaged in sea food and fishing industry; (5) employees of airlines; (6) employees of suburban or interurban electric railways, local trolleys or local motor-bus carriers; (7) employees of weekly or semi-weekly newspapers; (8) employees engaged in handling, packing, storing, canning, or pasteurizing agricultural or horticultural commodities for market or making dairy products, or those engaged in the first processing of milk into dairy products; (9) employees engaged in seasonal industries or occupations; (10) employees engaged in handling, slaughtering or dressing poultry or livestock. In cases of emergency in which there is danger to property, life, public safety, or public health and in cases of extraordinary public requirement, the provisions of sections 21 to 27, inclusive, of the revised statutes shall not apply to employers engaged in public service.'

**Sec. 3. R. S., c. 54, § 26, amended.** Section 26 of chapter 54 of the revised statutes, as amended by section 5 of chapter 238 of the public laws of 1937, is hereby further amended to read as follows:

**Sec. 26. Employers to keep a record of hours of work.** Every employer shall keep a time-book or record for every ~~female, and every male minor under 16 years of age~~ **person** employed in any establishment or occupation named in sections 21 and 23 of this chapter, stating the number of hours worked by each ~~female and each male minor under 16 years of age~~ **person** on each day of the week **except those specifically exempted under section 23 of this chapter, as amended.** Such time-book or record shall be ~~opened~~ **open** at all reasonable hours to the inspection of the commissioner of labor and industry and state factory inspector, his deputy, or any authorized agent of the labor department. Any employer who fails to keep such record as required by this section or makes any false entry therein, or re-

fuses to exhibit such time-book or record, or 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 questions put in carrying out the provisions of sections 21 to 27 inclusive, shall be liable for a violation thereof.'

**Sec. 4. R. S., c. 54, additional.** Chapter 54 of the revised statutes is hereby amended by adding thereto a new section to be numbered 26-A, and to read as follows:

**'Sec. 26-A. Saving clause. The provisions of sections 21 to 27, inclusive, shall not apply to industries that come within the provisions of the Federal Fair Labor Standards Act of 1938, as amended.'**