

MAINE STATE LEGISLATURE

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NINETY - THIRD LEGISLATURE

Legislative Document

No. 1176

H. P. 1546

House of Representatives, February 27, 1947.

Transmitted by revisor of statutes pursuant to joint order

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dostie of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to the Powers and Duties of the Commissioner of Labor and Industry.

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

Sec. 1. R. S., c. 25, § 1, amended. Section 1 of chapter 25 of the revised statutes, as amended by chapter 369 of the public laws of 1945, is hereby further amended to read as follows:

'Sec. 1. Appointment of commissioner; deputy; assistants; salaries; expenses to be audited. A state department of labor and industry, as heretofore established and hereinafter in this chapter called the "department," shall be maintained under the direction of an officer whose title shall be commissioner of labor and industry and state ~~factory~~ inspector **of factories, buildings and construction**, hereinafter in this chapter called the "commissioner." He shall be appointed by the governor, with the advice and consent of the council, for a term of 3 years, and shall hold office until his successor is appointed and qualified. He shall have an office in the state capitol. He shall appoint, subject to the provisions of the personnel law, such employees as may be necessary and a deputy who shall be clerk of the department and deputy state ~~factory~~ inspector. The commissioner shall

receive an annual salary of \$4,000, and in addition \$1,000 annually for his services as a member of the industrial accident commission and his actual, necessary cash expenses while away from his office on official business of the industrial accident commission. The commissioner and deputy state ~~factory~~ inspector shall also receive their actual traveling expenses. The commissioner shall also appoint a woman ~~factory~~ inspector. All expenses of the department shall be audited and paid as provided by law.'

Sec. 2. R. S., c. 25, § 5, amended. Section 5 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 5. Duty when conditions are found insanitary, unsafe or injurious to health. If the commissioner as state ~~factory~~ inspector, or any authorized agent of the department, shall find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any workshops or factories is such as to be injurious to the health of persons employed or residing therein or that the means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators, drums, saws, cogs, ~~and~~ machinery, **wires or stagings** in such workshops ~~and~~ factories **or construction** are located or are in a condition so as to be dangerous to employees and not sufficiently guarded, or that vats, pans, or any other structures, filled with molten metal or hot liquids, are not surrounded with proper safeguards for preventing accidents or injury to those employed at or near them, he shall notify, in writing, the owner, proprietor or agent of such workshops, **construction, buildings** or factories to make, within 30 days, the alterations or additions by him deemed necessary for the safety and protection of the employees.'

Sec. 3. R. S., c. 25, § 7, amended. Section 7 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 7. Terms defined. The following terms used in the 6 preceding sections shall have the following meanings: The word "person" means an individual, corporation, partnership, company or association. The word "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on. **The word "construction" means any construction whereupon employees are employed for the purpose of such construction.** The word "workshop" means any premises, room or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing, or adapting for sale any article, or part of an article, and to which or over which premises, room or place the employer of the person

or persons working therein has the right of access or control; provided, however, that the exercise of such manual labor in a private house, or a private room by the family dwelling therein, or by any of them, or in case a majority of persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition. The aforesaid terms shall have the meanings above defined for them respectively in all laws of this state relating to the employment of labor, unless a different meaning is plainly required by the context.'

Sec. 4. R. S., c. 25, § 8, amended. The 1st sentence of section 8 of chapter 25 of the revised statutes is hereby amended to read as follows:

'The person in charge of any **construction**, factory, workshop, or other industrial establishment shall within 10 days after the occurrence, report in writing to the commissioner all deaths, accidents, or serious physical injuries sustained by any person therein or on the premises, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings.'

Sec. 5. R. S., c. 25, § 9, amended. The 3rd paragraph of section 9 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Any **contractor or any** proprietor, owner or agent of any factory, mill, workshop, private works or state institution, described in section 4, who fails to make the alterations or additions required by the commissioner as state ~~factory~~ inspector, or any authorized agent of the department, within 30 days from the date of the written notice specified in section 5 or within such time as said alterations or additions can be made with proper diligence shall be punished by a fine of not less than \$25, nor more than \$200, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.'