

MAINE STATE LEGISLATURE

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

Legislative Document

No. 254

H. P. 708

House of Representatives, February 1, 1949

Referred to the Committee on Labor, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Fay of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Employment of Women and Minors.

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

Sec. 1. R. S., c. 25, § 17, amended. Section 17 of chapter 25 of the revised statutes, as amended by section 1 of chapter 277 and by chapter 309, both of the public laws of 1945, and by chapter 23 of the public laws of 1947, is hereby repealed and the following enacted in place thereof:

'Sec. 17. Employment of minors under 18 in certain establishments; exceptions. No minor under 18 years of age shall be employed in, about or in connection with any manufacturing or mechanical establishment, laundry, dry cleaning establishment or bakery in any capacity that the commissioner determines to be hazardous, dangerous to their lives or limbs, injurious to morals or where their health will be injured. The provisions of this section shall not apply to minors in public and approved private schools wherein mechanical equipment is installed and operated primarily for purposes of instruction.'

Sec. 2. R. S., c. 25, §§ 17-A, 17-B and 17-C, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto 3 new sections to be numbered 17-A, 17-B and 17-C to read as follows:

'Sec. 17-A. Employment of minors under 16 years of age prohibited in certain establishments. No minor under 16 years of age shall be employed,

permitted or suffered to work in, about or in connection with any manufacturing or mechanical establishment, hotel, rooming house, laundry, dry cleaning establishment, bakery, bowling-alley, poolroom, commercial places of amusement, including traveling shows and circuses, in any theater or moving picture house as usher or attendant, nor in or about a projection booth.'

'Sec. 17-B. Minors under 16 not to be employed more than 8 hours a day, 48 hours or 6 days a week; exception. No minor under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation for more than 8 hours in any 1 day, or for more than 48 hours in any 1 week, or for more than 6 consecutive days in any 1 week.

No minor under 16 years of age, enrolled in school, shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation for more than 4 hours on a school day, or for more than 28 hours in any 1 week, or for more than 6 consecutive days in any 1 week when the school is in session, except as hereinafter provided.

Work performed in agriculture or any occupation that does not offer continuous, year-round employment shall be exempt from the provisions of this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the commissioner of education and the commissioner of labor and industry.'

'Sec. 17-C. Employment of minors under 15 years of age prohibited; exceptions. No child under 15 years of age shall be employed, permitted or suffered to work in, about or in connection with any eating place, sporting or overnight camp, or mercantile establishment. Except as otherwise provided, no child under 15 years of age shall be employed, permitted or suffered to work at any business or service for hire, whatever, during the hours that the public schools of the town or city in which he resides are in session. The provisions of this section shall not apply to any such child who is employed directly by, with or under the supervision of either or both of its parents.'

Sec. 3. R. S., c. 25, § 18, amended. The 1st sentence of section 18 of chapter 25 of the revised statutes, as amended by section 2 of chapter 277 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'No minor under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation, subject to

the prohibitions set forth in section 17-A, unless the person, firm or corporation employing such child procures and keeps on file accessible to any attendance officer, factory inspector or other authorized officer charged with the enforcement of sections 17 to 35, inclusive, a work permit issued to such child by the superintendent of schools of the city or town in which the child resides, or by some person authorized by him in writing.

The provisions of this section shall not apply to minors engaged in work performed in agriculture, household work or any occupation that does not offer continuous, year-round employment.'

Sec. 4. R. S., c. 25, § 18, amended. The 2nd sentence of section 18 of chapter 25 of the revised statutes, as amended by section 2 of chapter 277 of the public laws of 1945, is hereby further amended to read as follows:

'The person authorized to issue a work permit shall not issue such permit until such child has furnished such issuing officer a certificate signed by the principal of the school last attended showing that the child can read and write correctly simple sentences in the English language and that he has satisfactorily completed the studies covered in the grades of the elementary public schools, or their equivalent; in case such certificate cannot be obtained, then the officer issuing the work permit shall examine such child to determine whether he can meet the educational standard specified and shall file in his office a statement setting forth the result of such examination; nor until he has received, examined, approved and filed satisfactory evidence of age ~~showing that the child is 15 years old or upwards~~; such evidence shall consist of a certified copy of the town clerk's record of the birth of such child, or a certified copy of his baptismal record, showing the date of his birth and place of baptism, or a passport showing the date of birth.'

Sec. 5. R. S., c. 25, § 19, amended. Section 19 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 19. **Permits for work during summer vacation.** Vacation permits shall be issued by the local superintendent of schools, or by some person authorized by him in writing, to minors ~~between 14 and~~ **under 16 years of age for the same occupations** and on satisfaction of the same requirements, with the exception of the educational qualifications, as for the regular work permits **provided for in section 18** and shall entitle their holders to work **in those occupations** during the summer school vacation. These permits shall be void after the 1st Monday of September following. They shall be known as vacation permits, shall be of different color from the work permits, and shall state plainly the date after which they are void.'

Sec. 6. R. S., c. 25, § 22, amended. Section 22 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Sec. 22. Females not to be employed more than 9 hours a day; exceptions. No female shall be employed in any workshop, factory, manufacturing, ~~or~~ mechanical or mercantile establishment, beauty parlor, hotel, restaurant, dairy, bakery, laundry, dry cleaning establishment, telegraph office, in any telephone exchange employing more than 3 operators or by any express or transportation company in the state more than 9 hours in any 1 day; except when a different apportionment of the hours of labor 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 labor exceed 10 hours in any 1 day or 54 hours in any 1 week; ~~provided, however, that during the emergency of war and ending on the declaration of peace, such employee may be employed not in excess of 10 hours in any one day, or on agreement between an employer and such employee or her authorized representative, reported to the commissioner within 48 hours thereafter, such employee may be employed in excess of 10 hours in any one day, subject in any case to the limitation of 54 hours in any one week. No minor under 16 years of age shall be employed in any such establishment or occupation more than 8 hours in any one day.'~~

Sec. 7. R. S., c. 25, § 23, repealed and replaced. Section 23 of chapter 25 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 23. Forty-eight hour week in certain establishments for females. No female shall be employed in any workshop, factory, manufacturing or mechanical establishment more than 48 hours in any 1 week.'

Sec. 8. R. S., c. 25, § 24, repealed and replaced. Section 24 of chapter 25 of the revised statutes, as amended by chapter 278 of the public laws of 1945, is hereby repealed and the following enacted in place thereof:

'Sec. 24. Females not to be employed more than 54 hours in any 1 week; exceptions. No female shall be employed in any mercantile establishment, beauty parlor, hotel, restaurant, dairy, bakery, laundry, dry cleaning establishment, telegraph office, in any telephone exchange employing more than 3 operators or by any express or transportation company in the state more than 54 hours in any 1 week.

The provisions of this section shall not apply between the 17th day of December and the 24th day of December, inclusive, and shall not apply during the 8 days prior to Easter Sunday to persons employed in mil-

linery shops or stores. 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 22 to 28, inclusive, shall not apply to employers engaged in public service.'

Sec. 9. R. S., c. 25, § 24-A, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto a new section, to be numbered 24-A, to read as follows:

'Sec. 24-A. Application of §§ 22-26. The provisions of sections 22 to 26, inclusive, shall not apply to females working in an executive, administrative, professional or supervisory capacity, or to females employed as personal office assistants to any person working in an executive, administrative, professional or supervisory capacity, and who receive remuneration on an annual salary basis of not less than \$2,000.'

Sec. 10. R. S., c. 25, § 25, repealed and replaced. Section 25 of chapter 25 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 25. No female to be employed more than 5 hours continuously; exceptions. No female shall be employed, permitted or suffered to work in any establishment or occupation named in sections 22 and 24 more than 5 hours continuously without at least a 30-minute consecutive rest period, except that such females may be so employed for not more than 6½ hours continuously at 1 time, if at the end of that 6½ hours her employment ceases and she is dismissed for the following 17½ hours; but this 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.'

Sec. 11. R. S., c. 25, § 26, amended. The 1st paragraph of section 26 of chapter 25 of the revised statutes is hereby amended to read as follows:

'Every employer, except those hereinafter designated, shall post and keep posted in a conspicuous place in every room in any establishment or place of occupation named in sections 22 and 24 in which females or male minors under 16 years of age are employed, except in any telephone exchange employing less than 3 female operators, a printed notice stating the number of hours such females or male minors are required or permitted to work on each day of the week, 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 department shall find that public necessity or convenience re-

quires the employment of women or male minors as aforesaid 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 printed 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 commissioner.'

Sec. 12. R. S., c. 25, § 30, amended. Section 30 of chapter 25 of the revised statutes, as amended by section 1 of chapter 150 of the public laws of 1947, is hereby further amended to read as follows:

'Sec. 30. Work permit conclusive evidence in behalf of employer; officer may demand documentary evidence of age of child employed. A work permit in regular form signed by a duly authorized officer, for all minors ~~between the ages of 15 and under~~ 16 years of age, shall be conclusive evidence of age and educational attainment, in behalf of the employer of any child, upon any prosecution for violation of the provisions of the law relating to the employment of children. An inspector of factories, attendance officer or other officer charged with the enforcement of the provisions of sections 17 to 35, inclusive, may make demand on any employer in or about whose place of establishment a minor apparently under the age of 16 years is employed, permitted or suffered to work, that such employer shall either furnish him within 10 days documentary evidence of age as specified in section 18, or shall cease to employ, permit or suffer such child to work in such place or establishment.'