

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

sonal labor or services have been attached and before entry of the writ, the defendant tenders to the plaintiff or to his attorney the whole amount due and recoverable in the action and the fees of the officer for serving the writ, the plaintiff shall recover no costs, except the fees of the officer; and if the defendant is defaulted without an appearance, or if he files an offer of judgment on the return day of the writ, and the plaintiff accepts such offer or fails to secure more than the amount thereof and of the interest thereon from its date, the plaintiff shall recover no costs, except the entry fee and the officers' fees.'

Section 2. This act shall not apply to debts or claims contracted prior to the first day of May, in the year of our Lord nineteen hundred and nine.

debt of parent or husband.

When act shall not apply.

Approved April 2, 1909.

Chapter 257.

An Act to amend Chapter forty of the Revised Statutes and Chapter forty-six of the Public Laws of nineteen hundred and seven, relating to the employment of Minors in Manufacturing or Mechanical Establishments in this State.

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

Section 1. Sections fifty-two, fifty-three and fifty-four of chapter forty of the revised statutes as amended by chapter forty-six of the public laws of nineteen hundred and seven are hereby repealed.

Section 2. Chapter forty of the revised statutes is hereby amended by inserting as section fifty-two the following:

'Section 52. No child under fourteen years of age shall be employed or allowed to work in or in connection with any manufacturing or mechanical establishment. It shall be unlawful for any person, firm or corporation to employ for wages or hire any child under fourteen years of age in any manufacturing, mechanical, mercantile or other business establishment, or in any telephone or telegraph office; or in the delivery and transmission of telephone or telegraph messages during the hours that the public schools of the town or city in which he resides are in session. Whoever, either for himself, or as superintendent, overseer or agent of another, employs or has in his employ any child in violation of the provisions of this section, and every parent or guardian who allows any child to be so employed shall be punished by a fine not less than one dollar nor exceeding fifty dollars for each offense.'

Sections 52, 53 and 54, chapter 40, R. S., as amended by chapter 46, public laws, 1907, repealed. Chapter 40, R. S., amended.

Child under fourteen years of age, not to be employed in any manufacturing establishment.

—or in telephone or telegraph office.

—penalty.

CHAP. 257

Chapter 40,
R. S.,
amended by
inserting
section 53.
Conditions
under which
child be-
tween the
age of 14
and 16
years may
be em-
ployed in
manufac-
turing es-
tablish-
ments.

—between
fourteenth
and fif-
teenth
birthdays.

—between
fifteenth
and six-
teenth
birthdays.

employer
shall keep
on file
record of
child em-
ployed.

—blank em-
ployment
certificate,
by whom
furnished,
and form
of.

—certificate
to be re-
turned to
child on
leaving em-
ployment.

—duty of
inspector of
factories
to examine
certificates.

Section 3. Chapter forty of the revised statutes is hereby amended by inserting as section fifty-three the following:

‘Section 53. No child over fourteen years of age and under sixteen years of age shall be employed or allowed to work in any manufacturing or mechanical establishment until he, or some one in his behalf, shall have produced and presented to the owner, superintendent, overseer or agent of such establishment, 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; or his passport showing the date of his birth; or an age and schooling certificate duly issued to him as hereinafter provided. No such child between his fourteenth and fifteenth birthdays shall be employed or allowed to work in any manufacturing, mechanical, mercantile or other business establishment, or in any telephone or telegraph office; or in the delivery and transmission of telephone or telegraph messages during the hours in which the public schools of the city or town in which he resides are in session, until he shall have produced and presented to the owner, superintendent, overseer or agent of such establishment an age and schooling certificate duly issued to him as hereinafter provided. No such child between his fifteenth and sixteenth birthdays shall be employed or allowed to work in any manufacturing or mechanical establishment during the hours in which the public schools of the city or town in which he resides are in session, until he shall have produced and presented to the owner, superintendent, overseer or agent of such establishment an age and schooling certificate duly issued to him as hereinafter provided. The employer shall keep on file such birth record, baptismal record, passport or age and schooling certificate in duplicate containing the name of such child, the name of his parents, guardian or custodian, and such data as may be required by the inspector of factories, workshops, mines and quarries. Blank employment certificates, in form approved by the attorney general, shall be furnished by the inspector of factories, workshops, mines and quarries. One of such certificates shall be delivered to such child and the other be immediately forwarded to the office of said inspector of factories, workshops, mines, and quarries, to be kept on file by him. When such child leaves such employment, the employer shall return to such child the copy of the town record, baptismal record, passport or age and schooling certificate furnished by him as aforesaid, and shall immediately notify said inspector that such child has left his employ. The inspector of factories, workshops, mines and quarries, or any of his assistants, may demand of any employer or corporation the names of all children under sixteen

years of age in his employ in the several cities and towns of the state, and may require that the birth record, baptismal record, passport or age and schooling certificate of such children shall be produced for his inspection, and the failure to produce the same shall be prima facie evidence that the employment of such child is illegal. Whoever, either for himself, or as superintendent, overseer or agent of another, employs or has in his employment any child in violation of the provisions of this section, and every parent or guardian who allows any child to be so employed shall be punished by a fine of not less than one nor more than fifty dollars for each offense.'

—penalty for violation of this section.

Section 4. Chapter forty of the revised statutes is hereby amended by inserting as section fifty-four the following:

Chapter 40, R. S., amended by inserting section 54.

'Section 54. Age and schooling certificates shall be issued by the superintendent of schools of the city or town in which the child resides, or some person designated and authorized in writing by the school committee, but no person shall issue such certificate to any minor then in or about to enter his employment, or the employment of a firm or corporation of which he is a member, stockholder, officer or employee. The person who issues the certificate in accordance with the provisions of this section is hereby empowered to administer the oath provided for therein, but no fee shall be charged therefor.'

Age and schooling certificates shall be issued by superintendent of schools.

Section 5. Chapter forty of the revised statutes is hereby amended by inserting as section fifty-five the following:

Chapter 40, R. S., amended by inserting section 55.

'Section 55. An age and schooling certificate shall not be issued until the child applying therefor, or some person in his behalf, shall furnish satisfactory evidence of the age of the child, which evidence shall be a certified copy of the town clerk's record of the birth of said child, or a certified copy of his baptismal record, showing the date of his birth, or a passport showing the date of his birth, or other document satisfactory to the superintendent of schools or the person authorized to issue such age and schooling certificates; nor until such child has demonstrated his ability to read at sight and write simple sentences in the English language, and perform simple arithmetical problems involving the fundamental processes of addition, subtraction, multiplication and division, such educational test to be prepared and furnished by the superintendent of schools or the school committee of each city and town in the state; or has furnished a certificate to that effect signed by any teacher in any of the public schools of the city or town in which such child resides, or by the principal of any approved private school, or a certificate signed by the principal of any evening school in said city or

Age and schooling certificate shall not be issued unless evidence of age of child be furnished.

—nor until child has passed educational test.

—or is regular attendant of

CHAP. 257

evening
school.

Chapter 40,
R. S.,
amended by
inserting
section 56.

Attorney
general
shall pre-
pare and
furnish
form of
certificates.

town, to the effect that said child is a regular attendant of said evening school.'

Section 6. Chapter forty of the revised statutes is hereby amended by inserting as section fifty-six the following:

'Section 56. The form of the age and schooling certificate provided for in section fifty-three of this act shall be prepared and furnished to the superintendent of schools or the school committee of the cities and towns by the attorney general, and shall be substantially as follows:

AGE AND SCHOOLING CERTIFICATE.

Form of
certificate.

Revised Statutes, Chapter forty, Section fifty-three.

This certifies that I am the _____, father, mother, guardian or custodian, of _____, name of child, and that he was born at _____, name of city or town, in the state, or county, of _____ on the _____ day of _____ in the year _____ and that at, his or her, last birthday he was _____ years old.

City or town and date. _____ Signature of parent, guardian or custodian.

Then personally appeared before me the above named, _____ name of person signing, and having produced for my inspection the _____ record passport of said child, made oath that the foregoing certificate by _____ him or her, signed is true to the best of _____ his or her, knowledge and belief.

Having no sufficient reason to doubt that he is of the age therein certified, I hereby approve the foregoing certificate of _____ name of child; whose signature, written in my presence, appears below; whose height is _____ feet and _____ inches; complexion is _____ fair or dark; hair is _____ color. I hereby certify that he has satisfactorily demonstrated _____, his or her, ability to read at sight and to write legible simple sentences in the English language, and to employ the fundamental principles of arithmetic, according to the test supplied by the local superintendent of public schools; that he has presented us a certificate to that effect signed by the principal a teacher of some public school in said town, or that he has presented a certificate signed by the principal of an evening school in said town to the effect that he, said child is a regular attendant in said evening school.

This certificate belongs to _____, name of child, and is to be surrendered to _____, him or her, whenever he leaves the service of the employer holding the same, but if not

claimed by said minor within thirty days from the time when

he leaves such employment, it shall be returned to the superintendent of schools, or to the person by whom it is issued.

Signature of child.

Signature of person authorized
to issue and approve, with of-
ficial character or authority.

City or town and date.

Whoever, being authorized to sign the foregoing age and schooling certificate, or whoever signing any certified copy of a town clerk's record of births, or certified copy of a child's baptismal record, shall knowingly certify to any false statement therein, and any parent or guardian who presents, or who permits or allows any child under his control to present, to any employer, owner, superintendent, overseer or agent as required under section fifty-three, any certified copy of birth or baptismal record, or passport, or age and schooling certificate containing any false statements as to the date of birth or age of such child, knowing them to be false, shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars for each offense.'

Penalty for
certifying
to false
statement,
or present-
ing certi-
ficate con-
taining
false state-
ment.

Section 7. Sections fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one and sixty-two of said chapter forty of the revised statutes are hereby renumbered respectively as sections fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three, so that said section fifty-seven shall hereafter be numbered section fifty-eight; said section fifty-eight shall hereafter be numbered section fifty-nine; said section fifty-nine shall hereafter be numbered section sixty; section sixty shall hereafter be numbered section sixty-one; section sixty-one shall hereafter be numbered section sixty-two; and section sixty-two shall hereafter be numbered section sixty-three; and said chapter forty is further amended by inserting as section fifty-seven the following:

Sections 57,
58, 59, 60,
61 and 62,
chapter 40,
R. S., re-
numbered.

'Section 57. Nothing in the nine preceding sections shall apply to any manufacturing establishment or business, the materials and products of which are perishable and require immediate labor thereon, to prevent decay thereof or damage thereto. Provided, however, the employment of children therein shall be under the supervision of said inspector who shall on complaint investigate the sanitary conditions, hours of labor and other conditions detrimental to children, and if in his judgment he finds detrimental conditions to exist, he may in conjunction with the municipal officers of the town or city in which the complaint is made, prohibit the employment of children therein until such conditions are removed.'

Shall not
apply to es-
tablish-
ments, the
materials or
products of
which are
perishable.

—proviso.