

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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—penalty for violation.

sporting camps, lodges or places of resort deer lawfully killed, but they shall keep a record of all such purchases, of whom purchased and the date of the purchase, and on December fifteenth of each year shall make, under oath, written report thereof to the commissioners; whoever violates any provision of this section shall be fined forty dollars and costs for each offense; the commissioners, however, may refuse to issue a license or licenses to such person or persons as they deem unsuitable.

Approved March 22, 1911.

Chapter 65.

An Act to provide for a Department of Labor and Industry; to prescribe its powers and duties; to regulate the employment of labor; to provide for factory inspection and to prescribe penalties for the violation of this act.

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

Department of labor and industry, appointment of commissioner.

Section 1. The governor is hereby authorized and directed to appoint within thirty days after this act shall become law, and every third year thereafter, by and with the consent of the council, and also within thirty days after the occurrence of any vacancy in the office, a suitable person as commissioner of labor and state factory inspector, who shall hold his office until his successor be appointed and qualified. The title of such officer shall be commissioner of labor and industry, and state factory inspector, and the term of office of such commissioner shall be for a period of three years after such appointment. Such commissioner shall have an office in the state capitol building suitably furnished and equipped for the work of said department of labor and industry. He shall perform his duties as herein provided and shall appoint a deputy who shall be clerk of the department, and deputy state factory inspector. The term of office of such deputy shall continue during the pleasure of such commissioner.

—title.

—tenure.

—shall have an office at state house.

—shall appoint a deputy.

—tenure of deputy.

Duty of department.

Section 2. It shall be the duty of the department to collect, assort, arrange and present to the governor on or before the first day of January, nineteen hundred and thirteen and biennially thereafter, statistical details relating to all departments of labor and industrial pursuits in the state; to trade unions and other labor organizations and their effect upon labor and capital; to the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public; to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions

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prevailing within the state, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees classified according to age and sex, and the daily and average wages paid each employee; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the respective industries of the state. It shall also be the duty of the commissioner of labor to cause to be enforced all laws regulating the employment of children, minors and women; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and other places; all laws regulating the payment of wages, and all laws enacted for the protection of the working classes now in force or that may hereafter be enacted. In its biennial report the department shall also give an account of all proceedings which have been taken in accordance with the provisions of this act, or any of the other laws herein referred to, and in addition thereto, such remarks, suggestions and recommendations as the commissioner may deem necessary for the information of the legislature.

Section 3. The commissioner is hereby authorized to furnish and deliver a written or printed list of interrogatories for the purpose of gathering facts and statistics such as are contemplated by this act to any person, company or the proper officer of any corporation operating within the state, and require full and complete answers to be made thereto and returned under oath; the commissioner shall have a seal, and have power to take and preserve testimony, to issue subpoenas, and administer oaths, and examine witnesses under oath in all matters relating to the duties herein required by said department of labor, such testimony to be taken in some suitable place in the vicinity to which the testimony is applicable. Witnesses subpoenaed and testifying before the commissioner of said department shall be paid the same fees as witnesses before a supreme judicial court; such payment to be made from any funds at the disposal of the department of labor. Any person duly subpoenaed under the provisions of this act who shall wilfully neglect or refuse to attend, or refuse to answer any question propounded to him concerning the subject of such examination as provided in this act, or if any person to whom a written or printed list of interrogatories has been furnished by said commissioner shall neglect or refuse to answer and return the same under oath, such person or persons shall be deemed guilty of a misdemeanor, and upon complaint of the commissioner before a court of com-

—shall enforce all laws relating to employment of children, minors and women.

—biennial report.

Authorized to gather facts and statistics.

—seal.

—may take testimony, administer oaths examine witnesses, etc.

—fees of witnesses.

—penalty for refusing to testify.

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petent jurisdiction, and upon conviction thereof, such person or persons shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment; provided, however, that no witness shall be compelled to go outside of the county in which he resides to testify. In the report of said department no use shall be made of the names of individuals, firms or corporations supplying the information called for by this act, unless by written permission, such information being confidential and not for the purpose of disclosing personal affair.

—names and information shall be for confidential use of bureau.

Powers of commissioner or agent to enter manufacturing establishments.

Section 4. The commissioner as state factory inspector and any authorized agent of the labor department shall have power to enter any factory or mill, workshop, private works or state institutions which have shops or factories, when the same are open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and to make a record thereof of such inspection. And if any person, or persons, shall refuse to allow the commissioner, or any authorized agent of the labor department, to so enter, or shall refuse to give the information so desired by said commissioner or authorized agent, then said person, or persons, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not to exceed one hundred dollars, or by imprisonment for not more than ninety days, or both such fine and imprisonment in the discretion of the court. If the commissioner as state factory inspector, or any authorized agent of the department of labor, 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 the 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 in such workshops and factories 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 or factories to make,

—penalty for refusing commissioner to enter, or refusing to give information.

—duty of commissioner or agent when conditions are found unsanitary, unsafe or injurious to health of employees.

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within thirty days, the alterations or additions by him deemed necessary for the safety and protection of the employees; and if such alterations or additions are not made within thirty days from the date of such written notice, or within such time as said alterations or additions can be made with proper diligence upon the part of such proprietors, owners or agents, said proprietors, owners or agents so notified shall be deemed guilty of a misdemeanor, and upon complaint of the commissioner as state factory inspector before a court of competent jurisdiction, and upon conviction thereof, shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment not more than thirty days, or by both such fine and imprisonment.

Section 5. The following expressions used in this act shall have the following meanings: The expression "person" means an individual, corporation, partnership, company or association. The expression "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on. The expression "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 expressions 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.

Section 6. All state, county, city and town officers are hereby directed to furnish said commissioner, upon his request, such statistical or other information contemplated by this act as shall be in their possession as such officers.

Section 7. In addition to the deputy commissioner provided for by section one of this act, the commissioner shall appoint a stenographer for the department of labor; he shall also employ a woman factory inspector, and he may also employ special agents and such other assistants, as may be necessary in the discharge of the official duties of said department of labor;

—penalty.

How certain expressions shall be construed.

—proviso.

Municipal officers required to furnish information.

Stenographer, appointment of.

—woman factory inspector, special agents and other assistants.

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—compensation.

such special agents and other assistants shall be paid for the services rendered such compensation as the commissioner may deem proper, but no such agents or assistants shall be paid more than three dollars per day in addition to necessary traveling expenses, said agents and assistants shall work under the supervision and direction of the commissioner of labor.

Salary of commissioner and deputy.

Section 8. The salary of such commissioner shall be sixteen hundred dollars per year, and that of his deputy, thirteen hundred dollars per year, together with all necessary traveling expenses. The salary of the stenographer shall be six hundred dollars per year. All such salaries and other expenses provided for in this act, shall be audited the same as salaries and expenses of other state departments and shall be payable upon proper vouchers certified by the commissioner. Provided, that the amount thereof, exclusive of the salaries provided for by this section, shall not exceed for any two years the sum of nine thousand dollars, making the total annual appropriation for the department of labor for all purposes, eight thousand dollars. Provided, however, that any unexpended balance to the credit of the department of labor at the close of any year in which the legislature regularly meets shall be carried over and made available for use in the following year.

—salary of stenographer.

—salaries and expenses shall be audited.

—proviso.

—proviso.

Biennial report and bulletins authorized to be printed.

Section 9. Said commissioner shall be authorized to have printed for general distribution, not to exceed four thousand copies of his biennial report, and he may also from time to time, cause to be printed and distributed bulletins upon any subject that shall be of public interest and of benefit to the state.

Certain sections and acts repealed.

Section 10. Sections forty, forty-one, and forty-two of chapter forty of the revised statutes, as amended by chapter two hundred and fifteen of the public laws of nineteen hundred and nine, chapter one hundred and eighty of the public laws of nineteen hundred and nine, sections forty-three, forty-four, forty-five, forty-six and forty-seven of chapter forty of the revised statutes as amended by chapter seventy-seven of the public laws of nineteen hundred and seven, and chapter two hundred and nine of the public laws of nineteen hundred and nine are hereby repealed.

Authority of commissioner.

Section 11. All authority heretofore vested in the commissioner of the bureau of industrial and labor statistics as such, and the inspector of factories, workshops, mines and quarries as such, are hereby vested in the commissioner of labor and industry and state factory inspector as provided for in this act.

Approved March 22, 1911.