

# MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE  
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
KENNEBEC JOURNAL PRINT,  
1904.

he knowingly and wilfully makes and files a false certificate of the statements aforesaid, he forfeits one hundred dollars, to be recovered by complaint, indictment or action of debt, to the county where the offense is committed.

Note. Penalty for false registration of blooded animal, c. 127, § 10.

—penalty for neglect.

## CHAPTER 40.

ASSAYERS OF ORES AND METALS. INSPECTION AND SALE OF MANUFACTURED ARTICLES. TRADE-MARKS AND LABELS. THE BUREAU OF LABOR AND INDUSTRIAL STATISTICS. THE MAINE MINING BUREAU.

### ASSAYERS OF ORES AND METALS.

SEC. 1. The governor, with the advice and consent of the council, may appoint one or more suitable persons to be assayers, who shall assay such ores, metals and other substances, requiring chemical analysis, as are offered for that purpose, and shall give a certificate thereof; they shall receive a reasonable compensation from their employers.

Assayers, their appointment, duty and compensation. R. S., c. 37. See Const. of Me., Art. ix, § 1.

### INSPECTION OF LIME CASKS.

SEC. 2. The governor, with the advice and consent of the council shall appoint in each town where lime is manufactured, one resident citizen thereof to be inspector of lime casks therein for four years and until his successor is appointed and qualified unless sooner removed. He shall give bond, with sufficient sureties, for the faithful performance of his duties before entering thereon, to the treasurer of his county, in the following sums: the inspector of Rockland, five thousand dollars; of Thomaston and Rockport, three thousand dollars each; and of every other town, two thousand dollars each, to be approved by the county commissioners; and each lime manufacturer shall designate to the inspector one or more persons to act as deputy inspector of lime casks used by him, from which number the inspector shall appoint as many deputies as are necessary, who shall give bond to the treasurer of the county in like manner as their principal in the sum of one thousand dollars. Such deputy shall have sole inspection of lime casks on the premises of the manufacturer by whom he is designated.

Appointment of inspectors. 1903, c. 196, § 1. See Const. of Me., Art. ix, § 1.

—amount of their bonds.

—deputy inspectors.

—bonds.

SEC. 3. Lime casks shall be made of sound and seasoned sawed timber in a workmanlike manner and kiln dried or well fired on the inside, with staves not less than twenty-nine inches in length and three-eighths of an inch thick on the thinnest edge; heads not less than five-eighths of an inch thick and fifteen and one-half inches in diameter when dry and well crozed in; good and strong hoops of oak, ash, beech, birch, maple, cherry or elm wood, not less than one inch wide in the narrowest part and not less than eight in number, except when two or more hoops of uniform shape throughout not less than one and one-fourth inches wide are used, the whole number may be reduced to six; each cask shall be not less than twenty-five inches in length between the heads, fifteen and one-fourth inches in width between the chimes and seventeen inches in the clear on the inside at the bilge. No lime casks or barrels to contain lime shall be

Requirements in making of lime casks. 1903, c. 196, § 2.

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Name of manufacturer of lime shall be placed on package. 1903, c. 196, § 3.

Manufacturers shall make returns to inspectors. 1903, c. 196, § 4.

Duties of inspectors. 1903, c. 196, § 5.

—may stop casks in transit.

Penalty. 1903, c. 196, § 7.

manufactured and no lime shall be put up for sale in casks or barrels of less size than herein provided, or not made in accordance with this section.

SEC. 4. All packages containing lime shall have conspicuously on the outside thereof in distinct and plain letters the full name, or initials of the christian name and full surname of the manufacturer followed by the letters "Man'r," with the name of the place or particular locality where manufactured. Nowhere, on any such package shall appear the name, an abbreviation of the name, or any imitation of any name or abbreviation of the name of any city or town, other than that in which the lime contained in such package is manufactured.

SEC. 5. Every manufacturer of lime shall make on the first day of January of each year, to the inspector of lime casks in the town where the lime is manufactured, a return, showing the whole amount of lime manufactured by him, the amount put up in packages, and the kind, number and size of such packages and the amount sold or shipped in bulk.

SEC. 6. The inspectors and their deputies shall inspect all lime casks and see that in all respects the provisions of this section and four preceding sections are complied with, and for the purpose of performing such duties they may stop and inspect casks in transit or offered for sale. They shall be responsible to any person injured by their misconduct, or their failure to perform their official duty, and when judgment is recovered against the inspector or deputy on account of any misdoings in his office and the execution is returned unsatisfied, the creditor may avail himself of the benefit of the inspector's or deputy's bond, a copy of which shall be given him on request, by like proceedings as a party injured by the misdoing of a sheriff may avail himself of the bond of such sheriff.

SEC. 7. Whoever violates any provision of the five preceding sections shall be punished by fine not exceeding fifty dollars for each offense.

## OILS.

What shall be deemed pure sperm oil. R.S., c. 39, § 25.

SEC. 8. All oils sold under the names of sperm, summer, fall and winter oils, are deemed to be sold for pure sperm oil, the test of which is Southworth's oleometer. Whoever sells under said names, any oils which are adulterated by the mixture of an inferior article, without disclosing the full extent of adulteration to the purchaser, forfeits to the prosecutor fifteen dollars for each offense; and the oil so sold shall be deemed whale oil, and the seller is liable to the purchaser for the difference between pure sperm and whale oil, to be recovered in an action on the case.

## PETROLEUM, COAL OIL AND BURNING FLUID.

Inspectors of petroleum to be appointed in towns of two thousand inhabitants or more. R.S., c. 39, § 26.

—duty of inspectors. See Const. of Me., Art. IX, § 1.

What casks shall be

SEC. 9. In towns containing two thousand inhabitants or more, the municipal officers, on or before the first day of May annually, shall appoint one or more persons, and fix their compensation, to be inspectors of petroleum, coal oil, and burning fluid, who, when requested, shall inspect such oils and burning fluids by applying the fire test with G. Tagliabue's pyrometer or some other accurate instrument, to ascertain the igniting or explosive point thereof in degrees of Fahrenheit's thermometer, and they shall cause every vessel or cask thereof, by them so inspected, to be plainly marked by the name of such inspector, the date of inspection, and the igniting or explosive point of the contents thereof.

SEC. 10. When a cask or vessel of such oil or fluid will not bear the fire test of at least one hundred and twenty degrees Fahrenheit without

ignition or explosion, the same shall be marked as aforesaid, and also "UNSAFE FOR ILLUMINATING PURPOSES." If an inspector knowingly puts false marks upon such casks or vessels inspected by him, he shall be fined not exceeding five hundred dollars, or be imprisoned six months.

SEC. 11. Every person and corporation engaged in manufacturing petroleum, coal oil or burning fluid, shall cause every cask or other vessel thereof to be so inspected and marked, by a sworn inspector. Whoever manufactures or sells such oil or burning fluid not so inspected and marked in this state, or that has been so inspected and marked as unsafe for illuminating purposes, shall pay a fine not exceeding five hundred dollars, or be imprisoned six months.

SEC. 12. The municipal officers of towns, and the police of cities, may at all times examine all such oils and fluids kept in their towns for sale, and cause them to be inspected and tested; and they shall do so in all cases where they are informed or believe that the same are kept for sale in violation of law; and cause the keeper and seller to be prosecuted therefor.

SEC. 13. All persons or corporations, engaged in the sale of kerosene, refined petroleum, gasoline or other burning or illuminating oils or fluids, in cans of a capacity of not less than five gallons, with their names, or other marks or devices branded, stamped, engraved, etched, impressed or otherwise produced upon such cans or anything connected therewith or appertaining thereto, may file in the office of the town or city clerk in which their principal place of business is situated, a description of the names and marks aforesaid, used by them, and cause the same to be published once a week for three successive weeks, in any weekly newspaper published in the county in which said notice may have been filed as aforesaid.

SEC. 14. Whoever knowingly and wilfully, without the written consent of the owner who has complied with the provisions of the preceding section, uses, buys, sells, fills or traffics in any such can so marked as aforesaid, or defaces, covers up or obliterates the names, marks or devices thereon, with intent to use, fill, sell, buy, dispose of or traffic therein, or to convert the same to his own use, shall, on complaint, be punished by a fine of not more than twenty dollars.

## INSPECTORS OF LEATHER.

SEC. 15. The municipal officers of each town, when they deem it expedient, may appoint one or more suitable inspectors of sole leather, who shall receive such fees from their employer, as said officers establish; and when paid by the seller, to be repaid to him by the buyer; when requested, they shall go to any place in their town to inspect any sides of sole leather, which have not been inspected in this state according to law.

SEC. 16. Each inspector shall provide himself with a proper apparatus, with which he shall weigh and stamp every side of sole leather inspected by him, with the weight thereof, his surname, and the name of his town; and on all sole leather made of good hides, and in the best manner, the word "best," shall be stamped; on all made of such hides in a merchantable manner, the word "good;" and on all other, the words, "second quality," "third quality," "damaged," or "bad," according to the fact; and whoever counterfeits, alters or defaces such mark, forfeits twenty dollars for each offense, half to the town and half to the prosecutor.

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marked "unsafe for illuminating purposes." R.S., c. 39, § 27. —penalty.

Remedy for neglect of such inspection, and marking.

—penalty. R.S., c. 39, § 28. See c. 28, § 20.

Rights and duties of town and police officers. R.S., c. 39, § 29.

Persons engaged in sale of kerosene, etc., may file with town clerk, description of marks used on cans. 1895, c. 68, § 1.

Penalty for using, without consent of owner, cans so marked. 1895, c. 68, § 2.

Appointment, duties and fees of inspectors of sole leather. R.S., c. 39, § 33. See Const. of Me., Art. ix, § 1.

Mode of inspecting and stamping sole leather. R.S., c. 39, § 34.

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USE OF NAMES, TRADE-MARKS, LABELS AND DESIGNS.

Manufacturer of leather, boots and shoes, may stamp his name thereon, etc. R.S., c. 39, § 32. —penalty for counterfeiting stamp.

No person shall use another's trade-mark. R.S., c. 126, § 8.

Damages for violation. R. S., c. 126, § 9.

Business names, unauthorized use of, prohibited. R.S., c. 126, § 10.

Injunctions. R.S., c. 126, § 11.

Proprietor of trade-mark may file certificate with secretary of state. R.S., c. 39, § 37.

—what certificate must set forth.

—facsimile to be annexed to certificate.

—certificate to be sworn to.

Penalty for perjury. R.S., c. 39, § 38.

—secretary of state may decline to record certificate, if he believes it untrue, until compelled by mandamus.

—proceedings.

SEC. 17. Every manufacturer of leather, and of boots and shoes, of any description, has the exclusive right of stamping them with the initials of his christian name, and the whole of his surname; and such stamping is a warranty that the article is merchantable, and well made of good materials; and if any person fraudulently stamps any such articles with the name or stamp of any other person, he shall be fined not exceeding twenty dollars, or imprisoned not exceeding six months.

SEC. 18. When a person uses any peculiar name, letters, marks, device, or figures, cut, stamped, cast or engraved upon, or in any way attached to or connected with any article manufactured or sold by him to designate it as an article of a peculiar kind, character or quality, or as manufactured by him, no other person shall use, without his consent, the same or any similar names, letters, marks, devices or figures, for the purpose of falsely representing any articles to have been manufactured by him, or to be of the same kind, character or quality, as that manufactured or sold by the party rightfully using the same.

SEC. 19. Whoever violates the provisions of the preceding section, is liable to any party aggrieved thereby, for all damages actually incurred, to be recovered in an action on the case.

SEC. 20. No one shall assume, or continue to use in his business, either alone, or in connection with his own or any other name, or designation, the name of any person formerly connected with him in partnership, without the written consent of such person or his legal representative.

SEC. 21. The supreme judicial court may restrain, by injunction, any use of trade-marks or names, in violation of the foregoing provisions.

SEC. 22. Any person, entitled to the exclusive use of any trade-mark, or who intends to adopt and use any trade-mark not previously adopted or used by another, may file for record in the office of the secretary of state a certificate setting forth his name, residence and place of business; the class of merchandise and the particular description of goods comprised in such class to which such trade-mark has been or is to be appropriated; a description thereof, and of the mode in which it is to be applied and used; the date when it was first used or adopted; that he has a right to the use of it; and that no other person, firm or corporation has the right to such use, either in the identical form, or having such near resemblance thereto as is calculated to deceive. A facsimile of such trade-mark shall be incorporated in or annexed to said certificate, and a duplicate shall be filed therewith, to be pasted or bound into the record book, if practicable. Such certificate shall be signed and sworn to by such person, or his agent.

SEC. 23. Whoever wilfully swears or affirms falsely to any such certificate, is guilty of perjury, and shall pay treble damages to every party injured thereby. If the secretary of state has reason to apprehend, on the filing of such certificate, that any statement therein contained is untrue, he may decline to record the same, unless the party filing it obtains a writ of mandamus to compel him. Such writ may be granted by any proper court, but without costs to the secretary, on proof that all the statements in such certificate are true, but no final hearing on the application therefor, shall be had until such notice thereof as said court orders has been advertised in one or more newspapers published in the county where the party filing said certificate resides; and any persons who desire may appear and intervene as parties defendant, and oppose the granting of

such writ, and shall be liable to judgment for any costs occasioned by such intervention.

SEC. 24. Every party entitled to make and file such certificate and affidavit, upon recording the same in said office, becomes entitled to the exclusive use of the trade-mark therein described, so long as he or his assigns continue to be engaged in the manufacture or sale of the merchandise or description of goods to which it is appropriated; and such right is assignable in writing; but all assignments thereof are good only against the assignor and his personal representatives, until lodged for record in said office.

SEC. 25. The secretary of state shall retain all such certificates on file, and cause the same and all assignments of trade-mark rights to be recorded at length in his office. Copies of the record of any such certificate, attested by him under the seal of the state, are prima facie evidence of the right of the party filing such certificate to the exclusive use of the trade-mark therein described for the periods limited in the preceding section.

SEC. 26. Whoever knowingly and wilfully counterfeits, or causes to be counterfeited, any private stamps, labels or trade-marks, used by a mechanic or manufacturer about the sale of his goods, with intent to defraud the purchaser or manufacturer; or sells such goods with such counterfeit stamps, labels or trade-marks thereon, knowing them to be counterfeit, without disclosing the fact to the purchaser, shall be punished by imprisonment for less than one year, or by a fine not exceeding two hundred dollars.

SEC. 27. Whoever reproduces, copies, counterfeits or imitates any such recorded trade-mark, knowing the same to have been recorded, and affixes such reproduction, copy, counterfeit or imitation to goods resembling, or designed to resemble, those to which such trade-mark is so appropriated, shall pay to the owner of such trade-mark double damages, besides such sum, not exceeding five hundred dollars, as the court, before which the action is brought, orders to be added to the damages found by the verdict or judgment.

SEC. 28. Whoever fraudulently and with intent to deceive, affixes any trade-mark recorded under section twenty-five or any such imitation thereof as is calculated to deceive, to any goods, receptacle or package similar in descriptive properties to those to which such trade-mark is appropriated, or who fraudulently and with intent to deceive, places in any receptacle or package to which is lawfully affixed a recorded trade-mark, goods other than those which said trade-mark is designed and appropriated to protect; or who fraudulently and with intent to deceive, deals in or keeps for sale any goods with a trade-mark fraudulently affixed, as above described, or any goods contained in any package or receptacle having a lawful trade-mark, but not being such goods as said trade-mark was designed and appropriated to protect, shall be fined not more than five hundred dollars, or imprisoned not more than thirty days.

SEC. 29. This chapter does not abridge rights to any existing trade-marks, whether the same are hereafter recorded or not, nor any remedies or rights of action otherwise or heretofore existing in favor of owners of trade-marks.

#### LABELS OF WORKINGMEN'S UNIONS.

SEC. 30. No person shall counterfeit or imitate any label, trade-mark, device or form of advertisement, adopted or used by any association or union of workingmen, to indicate that goods to which such label, trade-

Exclusive right to use of trade-mark, guaranteed.  
R.S., c. 39, § 39.

—rights are assignable.

Certificates and assignments recorded.  
R. S., c. 39, § 40.

—copies are evidence.  
See c. 117, § 17.

Counterfeiting trade-marks, and sale of goods with such counterfeits thereon, prohibited; penalty.  
R. S., c. 126, § 7.

Penalty for counterfeiting recorded trade-marks.  
R.S., c. 39, § 41.

Penalty for fraudulent use of such trade-marks.  
R.S., c. 39, § 42.

Rights to existing trade-marks not abridged.  
R.S., c. 39, § 43.

Unlawful to counterfeit labels, trade-marks, etc.,

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of any association or union of workmen. 1893, c. 276, § 1.

Labels and trade-marks shall be filed and recorded in office of secretary of state. 1893, c. 276, § 3.

See c. 117, § 17.

—certificate of record, shall be proof of adoption.

—label closely resembling one already in use, shall not be recorded.

Union using lawful trade-mark may enjoin manufacture and use of counterfeit. 1893, c. 276, § 4.

—court shall grant injunctions and award damages.

—counterfeits to be destroyed.

Penalty for counterfeiting label or trade-mark. 1893, c. 276, § 2.

mark, device or form of advertisement may be attached or affixed, or on which the same may be printed, painted, stamped or impressed were manufactured, or produced, packed or put on sale by such association or union, or by any member or members thereof, or use such label, trade-mark, device or form of advertisement without the consent or authority of the association or union so having adopted and used it; *provided*, that such label, trade-mark, device or form of advertisement was not, before such adoption and use, lawfully adopted, owned and used by another; but any association or union, desiring to adopt and use such label, trade-mark, device or form of advertisement previously adopted, owned and used by another, may acquire from such owner the right to so adopt and use it.

SEC. 31. Every such association or union adopting a label, trade-mark, device or form of advertisement as aforesaid, shall file the same for record in the office of the secretary of state, by leaving two copies, counterparts or facsimile thereof, with the secretary of state, together with a statement in writing, signed and sworn to by some person for and in behalf of such association or union, stating when and by whom so far as he knows and believes, said label, trade-mark, device or form of advertisement was adopted or used, in what manner and for what purpose the same is to be used and by what right the same is claimed, and such other particulars as shall serve to identify the same; said secretary shall deliver to such association or union, so filing the same, a duly attested certificate of the record of the same. Such certificate of record, in all suits and prosecutions under this chapter, shall be sufficient proof of the adoption of such label, trade-mark, device or form of advertisement. Whoever wilfully swears or affirms falsely to any such statement in writing is guilty of perjury. No label, trade-mark, device or form of advertisement, so closely resembling one already recorded as to be liable to be mistaken therefor, shall be recorded, and when in the judgment of the secretary of state, such resemblance exists he may refuse to record such label, trade-mark, device or form of advertisement, and thereupon proceedings may be had for a writ of mandamus, upon the application of any such association or union, as provided in section twenty-three.

SEC. 32. Every such association or union that has adopted and uses a label, trade-mark, device or form of advertisement, as aforesaid, which has been recorded in the office of the secretary of state as hereinbefore provided, may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof, or of any goods to which such counterfeits or imitations shall be affixed or attached, or on which the same shall be printed, painted or impressed, and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display or sale, and shall award the complainant in such suit, such damages resulting from such wrongful manufacture, use, display or sale as may by said court be deemed reasonable, and shall require the defendants to pay such association or union the profits derived from such wrongful manufacture, use, display or sale; and said court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

SEC. 33. Whoever knowingly and with intent to mislead or deceive, counterfeits or imitates any such recorded label, trade-mark, device or form of advertisement, or knowingly uses or sells any counterfeit or imitation of any such recorded label, trade-mark, device or form of advertisement, or knowingly sells or disposes of, or keeps, or has in his



possession with intent that the same shall be sold, any goods to which any such counterfeit or imitation of such recorded label, trade-mark, device or form of advertisement is attached or affixed, or on which the same is printed, painted, stamped or impressed, shall be punished for the first offense by a fine not exceeding one hundred dollars, or by imprisonment for less than one year, and for every subsequent offense, by a fine of not less than one hundred, nor more than five hundred dollars, or by imprisonment for not less than sixty days, nor more than three years.

SEC. 34. Whoever wilfully uses or displays the genuine label, trade-mark, device or form of advertisement of any such association or union, in any manner not authorized by such association or union, shall be punished by imprisonment for not more than six months, or by a fine not exceeding one hundred dollars; and, for a second offense, shall be punished by imprisonment for not less than thirty days nor more than one year, or by fine of not less than fifty, nor more than three hundred dollars.

Punishment for wilful use of genuine trade-mark in manner not authorized. 1893, c. 276, § 5.

SEC. 35. Whoever in any way wilfully uses the name or seal of any such association or union, or officer thereof, in and about the sale of goods or otherwise, without the authority of such association or union, shall be punished by imprisonment for not more than six months, or by a fine not exceeding one hundred dollars; and, for a second offense shall be punished by imprisonment for not less than thirty days nor more than one year, or by fine of not less than fifty, nor more than three hundred dollars.

Punishment for wilful, unauthorized use of name or seal. 1893, c. 276, § 6.

—second offense.

SEC. 36. In all cases where such association or union is not incorporated, suits and proceedings hereunder may be commenced and prosecuted by an officer or member of such association or union, for and in behalf of and for the benefit of such association or union.

How suits may be prosecuted. 1893, c. 276, § 7.

MARKS ON SYPHONS, BOTTLES AND CANS.

SEC. 37. All persons or corporations engaged in the manufacture or sale of soda water, mineral and aerated waters, ginger ale, small beer, spruce beer, white beer, milk, cream or other similar beverages, in syphons, boxes, cans, bottles, kegs or other vessels, with their names, or other marks or devices branded, stamped, engraved, etched, blown, impressed or otherwise produced upon such syphons, boxes, cans, bottles, kegs or anything connected therewith and appertaining thereto, may file in the office of the town or city clerk in which their principal place of business is situated, a description of the names and marks aforesaid used by them, and cause the same to be published once a week for three successive weeks, in any weekly newspaper published in the county in which said notice may have been filed as aforesaid.

Protection of trade-marks on bottles, syphons, etc. R.S., c. 39, § 35. 1891, c. 125, § 1.

—how secured.

SEC. 38. Whoever knowingly and wilfully, without the written consent of an owner who has complied with the provisions of the preceding section, uses, buys, sells, fills or traffics in any such syphon, box, can, bottle, keg or other vessel so marked as aforesaid, or defaces, covers up or obliterates the names, marks or devices thereon, with intent to use, fill, buy, sell, dispose of or traffic therein, or to convert the same to his own use, shall, on complaint, be punished by imprisonment for not more than thirty days, or by fine of not more than twenty dollars, and fifty cents for each such syphon, box, can, bottle, keg or other vessel so used, bought, sold, filled, trafficked in or disposed of, or by both such imprisonment and fine, in the discretion of the magistrate hearing the complaint; and the said magistrate, on finding such person or persons guilty, shall impose the pun-

Unlawful use, or defacing of cans, etc., so marked. R.S., c. 39, § 36. 1891, c. 125, § 2.

—penalty.

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Search warrant may issue to search for such bottles, syphons, etc.  
1891, c. 125, § 3.

ishment herein prescribed and shall award possession of the property taken to the owner thereof.

SEC. 39. Whenever any person or corporation by its agent, shall make complaint on oath to any magistrate or court, authorized to issue warrants in criminal cases, that he has reason to believe and does believe that any of his or said corporation's syphons, boxes, cans, bottles, kegs or other vessels, a description of the names, marks or devices whereon has been so filed and published as aforesaid, are being unlawfully used, filled, bought, sold, disposed of or trafficked in, or unlawfully had by any person or corporation, manufacturing or selling said beverages or liquids, or by any junk dealer or dealer in second-hand articles, or by any vendor of such syphons, boxes, cans, bottles, kegs or other vessels, the said magistrate shall, thereupon, issue a search warrant to search therefor.

## BUREAU OF INDUSTRIAL AND LABOR STATISTICS.

Department of industrial and labor statistics.

—appointment of commissioner.  
1887, c. 69, §§ 1, 3.

Duties of the commissioner.  
1887, c. 69, § 2.

Powers of commissioner.  
1887, c. 69, §§ 5, 6.

—state and municipal officers to furnish information.

Appointment of inspector of factories, workshops, mines and quarries.  
1887, c. 139, § 9.  
1893, c. 220.

—duties.

—appointment of assistant inspectors.

SEC. 40. The Bureau of Industrial and Labor Statistics shall constitute a separate and distinct department. The governor shall, with the advice and consent of the council, biennially, on the first Wednesday in February, appoint some suitable person identified with the industrial and labor interests of the state, who shall be designated commissioner of industrial and labor statistics, with an office in such place as shall be designated by the governor.

SEC. 41. The said commissioner shall collect, assort, systematize and present in annual reports to the governor, to be by him transmitted biennially to the legislature, statistical details, relating to all departments of labor in the state, and especially to the commercial, industrial, social, educational and sanitary condition of the laboring people, and to the permanent prosperity of the productive industries of the state; and shall also inquire into the immediate causes of strikes, lockouts and other disturbances between employers and employees.

SEC. 42. He may take and preserve evidence, examine witnesses under oath, and administer the same, and in the discharge of his duty, may enter any public institution of the state, and at reasonable hours, when open for business, any factory, workshop, mine or other place where labor may be employed. All state, county, city and town officers, are hereby directed to furnish to said commissioner upon his request, all statistical information in reference to labor and labor industries, which shall be in their possession as such officers.

SEC. 43. The governor, with the advice and consent of the council, shall appoint an inspector of factories, workshops, mines and quarries who shall hold office for two years, or until his successor is appointed, unless sooner removed. Said inspector shall inquire into any violations of sections forty-eight to fifty-six inclusive, of this chapter, and assist in the collection of statistics and other information which may be required, for the use of the bureau of industrial and labor statistics. Whenever the governor shall be satisfied that said inspector cannot perform all the duties of his office required by this section, in person, he shall, with the advice and consent of the council, appoint a sufficient number of assistant inspectors to assist him in so doing, who shall hold office for the term of two years, and act under the direction of said inspector, and shall receive the sum of two dollars a day and reasonable expenses while actually engaged in duty. They may, at any time, be removed for cause by the governor. For the purpose of inquiring into any violation of the

provisions of said sections forty-eight to fifty-six of this chapter, relating to the regulation of the hours of labor and the employment of women and children in manufacturing and mechanical establishments, and enforcing the penalties thereof, such inspector and assistants may, at all reasonable times, enter any such establishments and make investigation concerning such violations. Such investigation shall be conducted with as little interruption as possible to the prosecution of the business of such establishment. Whoever interferes with said inspector or his assistants, in the performance of their duties as prescribed in this chapter, shall be fined fifty dollars.

—powers of inspector and assistants to enter manufacturing establishments.  
84 Me., 57.

SEC. 44. The said inspector, upon complaint, shall inquire into, and prosecute for, any violations of sections fifty-seven and fifty-eight of this chapter, relating to the fortnightly payment of wages. He shall also examine into the sanitary condition of factories, workshops, mines and quarries, and when any condition or thing is found that, in his opinion endangers the health or lives of the employees, he shall notify the local board of health, and said board of health shall investigate the matter.

Duties of inspector to enforce law as to fortnightly payment of wages.  
1893, c. 292, §§ 1, 2.

—sanitary condition of factories.

SEC. 45. He shall enforce the due observance of sections thirty-seven and thirty-eight of chapter twenty-eight, relating to the swinging of doors, and fire escapes in factories and workshops.

Doors and fire escapes in factories.  
1893, c. 292, § 3.

SEC. 46. He shall, on or before the first day of December annually, submit his report to the commissioner of industrial and labor statistics, and it shall be incorporated in, and printed with the annual report of the bureau of industrial and labor statistics.

Annual report.  
1893, c. 292, § 4.

SEC. 47. The expenses of the department, including all bills for the expenses of the inspector of factories, workshops, mines and quarries, and for the services and expenses of assistant inspectors, shall be paid on vouchers presented by the commissioner, after the same shall have been audited and approved by the governor and council.

Auditing and payment of expenses.  
1887, c. 69, § 7.  
1887, c. 139, § 9.

HOURS OF LABOR OF WOMEN AND CHILDREN.

SEC. 48. No female minor under eighteen years of age, no male minor under sixteen years of age, and no woman shall be employed in laboring in any manufacturing or mechanical establishment in the state, more than ten hours in any one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed sixty in a week; and no male person sixteen years and over shall be so employed as above, more than ten hours a day during minority, unless he voluntarily contracts to do so with the consent of his parents, or one of them, if any, or guardian, and in such case he shall receive extra compensation for his services; *provided, however,* that any female of eighteen years of age or over, may lawfully contract for such labor for any number of hours in excess of ten hours a day, not exceeding six hours in any one week or sixty hours in any one year, receiving additional compensation therefor; but during her minority, the consent of her parents, or one of them, or guardian, shall be first obtained.

Employment of women and minors in manufacturing establishments regulated.  
1887, c. 139, § 1.

—sixty hours a week.

—males over sixteen years may contract to work more hours.

—females over eighteen, may make special contracts.

SEC. 49. Every employer shall post in a conspicuous place in every room where such persons are employed, a notice printed in plain, large type, stating the number of hours' work required of them on each day of

Employers shall post notices, stating number of hours' work

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required each day, etc. 1887, c. 139, § 2.

—form of notice.

—employment for a longer time, deemed violation.

Penalty for violation. 1887, c. 139, § 3.

—certificate of parent or guardian, shall be evidence of age.

—penalty for making false certificate.

Employers may contract with employees, that a week's notice of intention to quit work, shall be given. 1887, c. 139, § 4.

—employer required to give notice of intention to discharge employee.

Child under twelve years of age, not to be employed in any manufacturing establishment. 1887, c. 139, § 5.

—penalty.

Employment of children under fifteen years of age. 1887, c. 139, § 6.

Penalty for violation of sec. 53. 1887, c. 139, § 7.

—duty of school officers.

the week, the exact time for commencing work in the morning, stopping at noon for dinner, commencing after dinner, and stopping at night; the form of such printed notice shall be furnished by the inspector of factories, workshops, mines and quarries, and shall be approved by the attorney general. And the employment of any such person for a longer time in any day than that so stated, shall be deemed a violation of the preceding section, unless it appears that such employment is to make up for time lost on some previous day of the same week, in consequence of the stopping of machinery upon which such person was employed or dependent for employment.

SEC. 50. Whoever, either for himself, or as superintendent, overseer or agent of another, employs or has in his employment any person in violation of the provisions of section forty-eight, and every parent or guardian who permits any minor to be so employed, shall be punished by a fine of not less than twenty-five, nor more than fifty dollars for each offense. A certificate of the age of a minor made by him and by his parent or guardian at the time of his employment, shall be conclusive evidence of his age in behalf of the hirer, upon any prosecution for a violation of the provisions of section forty-eight. Whoever falsely makes and utters such a certificate with an intention to evade the provisions of this chapter relating to the employment of minors, shall be subject to a fine of one hundred dollars.

SEC. 51. Any person, firm or corporation engaged in any manufacturing or mechanical business, may contract with adult or minor employees to give one week's notice of intention on such employee's part, to quit such employment under a penalty of forfeiture of one week's wages. In such case, the employer shall be required to give a like notice of intention to discharge the employee; and on failure, shall pay to such employee, a sum equal to one week's wages. No such forfeiture shall be enforced when the leaving or discharge of the employee is for a reasonable cause. *Provided, however,* that the enforcement of the penalty aforesaid, shall not prevent either party from recovering damages for a breach of the contract of hire. (a)

SEC. 52. No child under twelve years of age, shall be employed in any manufacturing or mechanical establishment in the state. 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 permits any child to be so employed, shall be punished by a fine of not less than twenty-five, nor more than fifty dollars for each offense.

SEC. 53. No child under fifteen years of age shall be employed in any manufacturing or mechanical establishment in the state, except during vacations of the public schools in the city or town in which he resides, unless absence from such school is excused by the superintending school committee or superintendent of schools, or teacher acting by direction of either, as provided by section forty-nine of chapter fifteen.

SEC. 54. Any parent or guardian who procures a child to be employed contrary to the preceding section, and any corporation, owner, superintendent or agent of the owner, of such establishment violating the provisions of said section, shall forfeit the sum of one hundred dollars, one-half to the use of the county, and one-half to the use of the city or town where the offense is committed. Money so recovered to the use of the city or town, shall be added to its school money. School committees and:

(a) 91 Me., 61.

superintendents of public schools, shall inquire into violations of said section and report the same to the county attorney, who shall prosecute therefor.

SEC. 55. Every owner, superintendent or overseer of any such manufacturing or mechanical establishment shall require and keep on file, a certificate of the age and place of birth of every child under sixteen years of age employed therein, so long as such child is so employed. Said certificate shall be signed by a member of the school committee of the place where such attendance has been had, or by some one authorized by such committee, and the form of said certificate shall be furnished by the state superintendent of public schools, and shall be approved by the attorney general. The inspector of factories, workshops, mines and quarries, or either of his assistants, may demand the names of the children under sixteen years of age employed in such establishment, in the several cities and towns of the state, and may require that the certificates of age prescribed in this section, shall be produced for his inspection, and a failure to produce the same, shall be prima facie evidence that the employment of such child is illegal.

Owners, etc., of such establishments, shall keep on file certificate of age, etc., of children under sixteen years, in their employ. 1887, c. 139, § 8.

—certificate, form of and by whom given.

—duty of inspector of factories to examine certificate.

SEC. 56. Nothing in the eight 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.

Certain manufactures not affected. 1887, c. 139, § 10.

FORTNIGHTLY PAYMENT OF WAGES.

SEC. 57. Every manufacturing, mining, quarrying, stone-cutting, mercantile, street railroad, telegraph, telephone and municipal corporation, and every incorporated express and water company, and any person or firm engaged in any of the above specified kinds of business, having in their employ more than ten persons, shall pay fortnightly each and every employee engaged in its business, except municipal officers whose services are paid for by the day, or teachers employed by municipal corporations, the wages earned by such employee to within eight days of the date of said payment; *provided, however*, that if at any time of payment, any employee shall be absent from his regular place of labor, he shall be entitled to said payment at any time thereafter on demand.

Corporations having more than ten employees, required to make fortnightly payment. 1887, c. 134, § 1.

—exceptions. 1887, c. 134, § 5.

—proviso.

SEC. 58. Any corporation violating any provision of the preceding section shall be punished by a fine of not less than ten, nor more than twenty-five dollars on each complaint under which it is convicted, *provided*, that complaint for such violation is made within thirty days from the date thereof. When a corporation against which a complaint is so made, fails to appear after being duly served with process, its default shall be recorded, the allegations in the complaint taken to be true, and judgment rendered accordingly. When judgment is rendered upon any such complaint against a corporation, the court may issue a warrant of distress to compel the payment of the penalty prescribed by law, together with costs and interest.

Penalty for violation of § 57. 1887, c. 134, §§ 2, 3, 4.

—proceedings.

—court may issue warrant of distress to compel payment of judgment

MAINE MINING BUREAU.

SEC. 59. The land agent, the commissioner of agriculture and the commissioner of industrial and labor statistics are constituted a mining board to be known as the Maine Mining Bureau. They shall organize by electing from their number a president and a secretary.

Organization. 1903, c. 227, §§ 1, 2.

SEC. 60. Said bureau shall collect reliable information concerning the deposits of all precious and useful minerals and other valuable subter-

Duty of bureau. 1903, c. 227, § 3.

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Metallurgical cabinet shall be established.  
1903, c. 227, § 4.

Report.  
1903, c. 227, § 5.

ranean productions in the state that are supposed to exist in quantities sufficient to justify the development of such properties.

SEC. 61. It shall establish a metallurgical cabinet of exhibit of the state in such room in the state house, as the superintendent of public buildings may direct, and in such cabinet they shall properly arrange samples and specimens of ores, valuable rocks and metals of the state collected by them, for the safe keeping and preservation of same.

SEC. 62. It shall biennially issue a pamphlet containing such reliable information concerning the mineral resources of the state as it has collected, and shall distribute at least one thousand copies of such pamphlet among the business men and capitalists of other states.

## CHAPTER 41.

## SEA AND SHORE FISHERIES.

Commissioner of sea and shore fisheries how appointed.  
1901, c. 284, § 1.

—term.

—duties.  
1901, c. 284, § 2.

—shall report biennially.  
1901, c. 284, § 3.

Appointment of fish wardens.  
1901, c. 284, § 5.

—term of office.

—powers and duties.

—shall give bond.  
See § 31.

—commissioner may appoint deputy wardens.

—powers.

Wardens shall enforce laws relating

SEC. 1. The governor, with the advice and consent of the council, shall appoint a commissioner who shall have general supervision of the sea and shore fisheries and shell fish regulated by this chapter and shall hold his office for three years and until his successor is appointed and qualified. He shall exercise supervision over all the fisheries and their products taken from tide waters within the state, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned, frozen shell or other fish. He shall make a detailed biennial report in the month of December, showing the amount of capital invested in, number of men employed in, value of products of, and any other information that he may be able to obtain relating to the sea and shore fisheries.

SEC. 2. The governor with the advice and consent of the council upon the recommendation of the commissioner of sea and shore fisheries, may appoint suitable persons as fish wardens, who shall hold office for the term of three years unless sooner removed, and shall enforce all laws and the rules and regulations relating to sea and shore fisheries, arrest all violators thereof, and prosecute all offenses against the same; they shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees as sheriffs for like services; they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this chapter, give bond with two good and sufficient sureties in the penal sum of two thousand dollars, approved by the commissioner of sea and shore fisheries, to the treasurer of state, conditioned for the faithful performance of the duties of their office. The commissioner of sea and shore fisheries may appoint deputy wardens, for whose official misconduct and neglect he shall be answerable, and said deputy wardens shall be sworn. Their appointment and discharge shall be in writing. Such deputy wardens shall be subject to all the laws pertaining to wardens appointed by the governor and council, and have the same powers. And said commissioner may revoke such appointment at any time.

SEC. 3. The fish wardens shall enforce all laws relating to the sea and shore fisheries within the counties in which they respectively reside, but