SIXTH REVISION

THE REVISED STATUTES

OF THE

STATE OF MAINE

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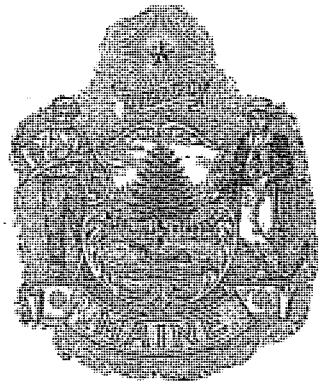

By the Authority of the Legislature

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CHAPTER 49.

Provisions Relating to Labor.

State Board of Arbitration and Conciliation.

Sec. 1. Appointment and qualification of state board of arbitration and conciliation; duties, authority to make rules; report. 1909, c. 229, §§ 1, 2, 3. 1913, c. 143. The state board of arbitration and conciliation as heretofore established shall consist of three members appointed by the governor, with the advice and consent of the council, from time to time upon the expiration of the terms of the several members, for terms of three years. One member shall be an employer of labor or selected from some association representing employers of labor, and another shall be an employee or an employee selected from some bona fide trade or labor union and not an employer of labor. Vacancies occurring during a term shall be filled for the unexpired term. The board shall hold a meeting on the third Wednesday of September in each year and shall organize by choosing from its members a chairman and secretary. It shall be the duty of the board to endeavor to settle disputes, strikes and lockouts between employers and employees. The board shall from time to time make such rules of procedure as it deems necessary, and shall annually, on or before the first day of December, make a report to the governor and council, which shall be incorporated in and printed with the biennial report of the department of labor and industry.

See Const. of Me. Art. ix, § 1.

Sec. 2. Board shall be notified of strike, or threatened strike; proceedings in settlement of strike; governor may request state board to investigate. 1909, c. 229, § 4. Whenever it appears to the mayor of a city or the selectmen of a town that a strike is seriously threatened, or a strike actually occurs, he or they shall at once notify the state board of arbitration and conciliation and such notification may also be given by the employer or employees actually concerned in the strike or lockout. If, when such strike is threatened or actually occurs, it appears that as many as ten employees are directly concerned therein, the state board of arbitration and conciliation shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or

endeavor to persuade such employer and employees to submit the matter in controversy to a local board of arbitration and conciliation or to the state board. If the matter be submitted, the board to which it is submitted shall investigate such controversy and ascertain which party is mainly responsible or blameworthy for the existence of the same, and the board may make and publish a report finding such cause and assigning such responsibility or blame. The state board shall, upon request of the governor, investigate and report upon any controversy if in his opinion it threatens to affect the public welfare.

Sec. 3. Board may make inquiry into cause of controversy, hear parties and make written decision; effect of decision. 1909, c. 229, § 5. In any controversy where not less than ten employees are directly concerned the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful inquiry into its cause, and the board may, with the consent of the governor, conduct such inquiry beyond the limits of the state. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof, which shall at once be made public, shall be open to public inspection, and shall be recorded by the secretary of the board; said decision shall for six months be binding on the parties who join in the application or until the expiration of sixty days after either party has given notice to the other in writing of his intention not to be bound thereby; such notice may be given to the employees by posting it in three conspicuous places in the shop, factory, yard, or other place where they work.

Sec. 4. Application for inquiry; secretary shall give notice of time and place of hearing. 1909, c. 229, § 6. The application for such inquiry may be signed by the employer or by a majority of the employees in the department of the business in which the controversy exists or by their duly authorized agent or by both parties, and, if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized to do so. The application shall contain a statement of the matter in controversy and a promise to continue in business or at work without any strike or lockout until the decision of the board, if such decision is made within three weeks after the date of filing the application. The secretary of the board shall forthwith after such filing cause public notice to be given of the time and place of hearing on the application, unless both parties join in the application and present therewith the written request that no public notice shall be given. If such request is made, notice shall be given to the parties in such a manner as the board shall order, and the board may give public notice notwithstanding such request.

Sec. 5. Authority to summon witnesses and require production of books. 1909, c. 229, § 7. The board may summon as witnesses any operative or any person who keeps the record of wages earned in the department of business in which the controversy exists and may require the production of books which contain the record of wages paid. Summonses may be signed and oaths administered by any member of the board. Witnesses

summoned by the board shall be allowed the same fees as are paid to witnesses in the supreme judicial court; these fees together with all necessary expenses of the board shall be paid by the treasurer of state on warrants drawn by the governor and council.

Sec. 6. Controversy may be submitted to local board of arbitration; decision. 1909, c. 229, § 8. The parties to any controversy described in section three may submit such controversy to a local board of arbitration and conciliation which may be either mutually agreed upon or may be composed of three persons, one of whom shall be designated by the employer, one by the employees or their duly authorized agent; the third, who shall be chairman, by the other two; such board shall have all the powers exercised by the state board, and its decision shall have the same effect as that of the state board. The decision of said board shall be rendered within ten days after the close of any hearing held by it and shall at once be filed with the clerk of the municipality where the controversy arose, and a copy thereof shall be filed with the secretary of the state board by the clerk of the said municipality. Each of said arbitrators shall be entitled to receive three dollars for each day of actual service, to be paid by the treasurer of state on a warrant drawn by the governor and council.

Sec. 7. Advertisements during strike or disturbance, regulated; when provision not operative. 1913, c. 16, §§ 1, 2. If an employer, during the continuance of a strike among his employees, or during the continuance of a lockout or other labor trouble among his employees, publicly advertises in newspapers, or by posters or otherwise, for employees, or by himself or his agents solicits persons to work for him to fill the places of strikers, he shall plainly and explicitly mention in such advertisements or oral or written solicitations that a strike, lockout or other labor disturbance exists. The provisions of this section shall cease to be operative when the state board of arbitration and conciliation shall determine that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. Said board shall determine this question as soon as may be, upon the application of the employer.

Sec. 8. Penalty for violation. 1913, c. 16, § 3. Whoever, whether a person, firm, association or corporation, violates the preceding section shall be punished by a fine of not less than twenty-five, nor more than fifty dollars.

Department of Labor and Industry.

Sec. 9. Appointment of commissioner; deputy; salaries and expenses shall be audited; unexpended balance. 1911, c. 65, §§ 1, 7, 8. 1915, c. 348, §§ 2, 3. A state department of labor and industry shall be maintained under the direction of an officer whose title shall be commissioner of labor and industry, and state factory inspector. He shall be appointed by the governor, with the advice and consent of the council, for a term of three years, and shall hold office until his successor is appointed and qualified. He shall have an office in the state capitol. He shall appoint a deputy who shall be clerk of the department, and deputy state factory inspector, and shall hold office during the pleasure of the commissioner; he shall

also appoint a stenographer for the department and a woman factory inspector, and may employ special agents and such other assistants as may be required for the work of the department. The special agents and other assistants shall work under the supervision and direction of the commissioner and shall be paid for their services such compensation as he may deem proper, not exceeding five dollars a day and necessary traveling expenses. All expenses of the department shall be audited by the state auditor and shall be payable upon proper vouchers certified by the commissioner; provided, that the amount thereof shall not exceed for any two years the sum of fourteen thousand dollars, making the total annual appropriation for the department for all purposes, exclusive of the salaries of the commissioner, his deputy and a stenographer, seven thousand dollars. 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.

Sec. 10. Work of department; enforcement of laws relating to employment of minors and women; bulletins. 1911, c. 65, §§ 2, 9. The department shall collect, assort and arrange 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 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 industries of the state. The commissioner of labor and industry shall cause to be enforced all laws regulating the employment of minors and women; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and in other places; all laws regulating the payment of wages, and all laws enacted for the protection of the working classes. He shall, on or before the first day of January, biennially, report to the governor, and may make such suggestions and recommendations as he may deem necessary for the information of the legislature. He may from time to time, cause to be printed and distributed bulletins upon any subject that shall be of public interest and benefit to the state.

Sec. 11. Authorized to gather facts and statistics; to have a seal; may take testimony; penalty for refusal to testify; sources of information shall be confidential. 1911, c. 65, § 3. The commissioner may furnish a written or printed list of interrogatories for the purpose of gathering such facts and statistics as are contemplated herein, to any person, or the proper officer of any corporation operating within the state, and may require full and complete answers thereto under oath; the commissioner shall have a seal, and may take and preserve testimony, issue subpoenas, administer oaths, and examine witnesses under oath in all matters relating to the duties herein

required of said department of labor and industry; such testimony shall be taken in some suitable place in the vicinity to which the testimony is applicable. Witnesses summoned and testifying before the commissioner shall be paid, from any funds at the disposal of the department, the same fees as witnesses before the supreme judicial court. Whoever, being duly summoned under the provisions of this section, 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 section, or whoever being furnished by the commissioner with a written or printed list of interrogatories, shall neglect or refuse to answer and return the same under oath, shall be punished by a fine of not less than twenty-five, 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 section, unless by written permission, such information being confidential and not for the purpose of disclosing personal affairs.

Sec. 12. Powers of commissioner or agent to enter manufacturing establishments; penalty for refusing entrance or information; duty when conditions are found unsanitary, unsafe or injurious to health; penalties and their recovery. 1911, c. 65, § 4. 1915, c. 348, §§ 1, 4. The commissioner, as state factory inspector, and any authorized agent of the department of labor and industry, may 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 section and the two preceding sections, and may examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and may make a record of such inspection. Whoever shall refuse to admit or shall unreasonably delay the commissioner, or any authorized agent of the department of labor and industry, in so entering, or shall refuse to give the information so desired by said commissioner or authorized agent, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for not more than ninety days, or by 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 and industry, 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, 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 shall be punished by a fine of not less than twenty-five, nor more than two hundred dollars, or by imprisonment not more than thirty days, or by both such fine and imprisonment at the discretion of the court. All fines or penalties provided in this section and the preceding section may be recovered or enforced by complaint or indictment; and in all prosecutions under said sections, trial justices and judges of the municipal and police courts, within their counties, shall have, by complaint, original and concurrent jurisdiction with the supreme judicial court and superior courts.

See c. 30, § 46.

Sec. 13. Terms defined. 1911, c. 65, § 5. The following terms used in the four preceding sections shall have the following meanings: The word "person" means an individual, corporation, partnership, company or association. The word "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on. The word "workshop" means any premises, room or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the person or persons working therein has the right of access or control; provided, however, that the exercise of such manual labor in a private house, or a private room by the family dwelling therein, or by any of them, or in case a majority of persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition. The aforesaid terms shall have the meanings above defined for them respectively in all laws of this state relating to the employment of labor, unless a different meaning is plainly required by the context.

Sec. 14. Municipal officers required to furnish information. 1911, c. 65, § 6. All state, county, city and town officers are hereby directed to furnish the commissioner of labor and industry upon his request, such statistical or other information contemplated by sections ten, eleven and twelve as shall be in their possession as such officers.

Sec. 15. Reports of deaths, accidents and injuries shall be made to commissioner of labor. 1911, c. 102, §§ 1, 2. The person in charge of any factory, workshop or other industrial establishment shall within ten days after the occurrence, report in writing to the commissioner of labor and industry all deaths, accidents, or serious physical injuries sustained by any person therein or on the premises, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto

as may be required by said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported. The term "serious physical injuries," as used in this section, shall be construed to mean every accident which results in the death of the employee or causes his absence from work for at least six days thereafter.

Sec. 16. Penalty for failure to comply with § 15. 1911, c. 102, § 3. Any person in charge of properties as described in the preceding section, where accidents shall have occurred, who shall fail or refuse to send such notices and statements and otherwise comply with the provisions of said section, shall be punished by a fine of not less than twenty-five, nor more than fifty dollars.

Labor of Women and Children.

Sec. 17. Employment of women and minors in manufacturing establishments regulated. R. S. c. 40, § 48. 1909, c. 70. 1911, c. 55, § 1. 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 fifty-eight in a week; and no male person sixteen years of age 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. Nothing in this section 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.

Sec. 18. Employers shall post notices, stating number of hours' work required each day; employment for a longer time, unlawful. R. S. c. 40, § 49. 1911, c. 143. 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 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 commissioner of labor, 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. 19. Penalty for violation; certificate of parent or guardian, shall be evidence of age; penalty for making false certificate. R. S. c. 40, § 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 seventeen, 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 seventeen. 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.

Note. Sections seventeen, eighteen and nineteen are inconsistent with P. L. 1915, c. 350, entitled "An Act relative to the Hours of Employment of Women and Minors;" and are repealed by section ten thereof; that act was referred to the people under section seventeen, article four, part three of the amended constitution of the state, and was adopted by the voters of the state at the election held on the eleventh day of September, 1916; the act is printed in the appendix, page 1650.

Sec. 20. Employment of children under fourteen years of age regulated. 1915, c. 327, § 1. No child under fourteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any manufacturing or mechanical establishment. No child under fourteen 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.

Sec. 21. Regulations for employment of minors between fourteen and sixteen years of age; issuance of work permits; physician's certificate may be required. 1915, c. 327, § 2. No minor between the ages of fourteen and sixteen years shall be employed, permitted or suffered to work in any of the aforementioned occupations unless the person, firm or corporation employing such child procures and keeps on file accessible to any truant officer, factory inspector or other authorized officer charged with the enforcement of sections twenty to thirty-one, both inclusive, of this chapter, a work permit issued to said 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 person authorized to issue a work permit shall not issued such permit 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; nor until he has received, examined, approved and filed satisfactory evidence of age showing that the child is fourteen years old

or upwards; such evidence shall consist of 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 and place of baptism, or a passport showing the birth. The superintendent of schools, or the person authorized to issue such work permit may require, in doubtful cases, a certificate signed by a physician appointed by the school board, or, in case there is no school physician, from the medical officer of the board of health, stating that such child has been examined by him, and, in his opinion, has reached the normal development of a child of its age, and is in sufficiently sound health and physically able to perform the work which he intends to do. The state factory inspector, his deputy or agent, may require a similar certificate in doubtful cases, of the minors employed under a work permit. A work permit when duly issued shall excuse such child from attendance at public school; but no person shall issue such permit to any minor then in or about to enter his employment or the employment of the firm or corporation of which he is a member, stockholder, officer or employee.

Sec. 22. Vacation permits for work during summer vacation. 1915, c. 327, § 2. Vacation permits shall be issued by the local superintendent of schools, or by some person authorized by him in writing, to minors between fourteen and sixteen years of age, on satisfaction of the same requirements, with the exception of the educational qualifications, as for the regular work permits, and shall entitle their holders to work during the summer school vacation. These permits shall be void after the first 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. 23. Blanks to be furnished by commissioner of labor; permits to be in duplicate; papers forwarded to department; surrender and cancelation of permits. 1915, c. 327, § 2. The blank work permit and other papers required in the two preceding sections shall be formulated by the commissioner of labor and industry, and furnished by him to the persons authorized to issue work permits. The forms of such permits and other papers shall be approved by the attorney-general. Every work permit and every vacation permit shall be made out in duplicate. All duplicates, accompanied by the original papers on which such permits were issued, shall be forwarded to the department of labor and industry, by the officer issuing same, between the first and tenth days of each month. Said department shall examine said papers and promptly return them to the officer who sent them. Said original papers upon which said permits were issued shall be filed by said officer and preserved for such time as said permits are outstanding, or until the minor arrives at the age of sixteen. They shall be at all times accessible to the commissioner of labor and industry or any authorized agent of his department. Said officer shall return to said child all papers with him filed in proof of age, upon a surrender of the work permit. All permits thus surrendered shall be marked canceled by the officer receiving them. Whenever there is reason to believe that a work permit was improperly issued the commissioner of labor and industry, and state factory inspector, his deputy or agent, shall notify the local superintendent of schools of the place in

which said certificate was issued. The local superintendent shall cancel such permit when directed so to do by the commissioner of labor and industry.

Sec. 24. Blank employment certificates shall be prepared; notice to commissioner when employment is terminated. 1915, c. 327, § 2. Employment certificates, to be formulated by the commissioner of labor and industry, approved by the attorney-general, and supplied by the department of labor, shall be prepared by the employer of said child and mailed within twenty-four hours to the office of the commissioner to be kept on file by him. When such child leaves such employment, the employer shall return to the child the work permit by him filed, and immediately notify the commissioner of labor and industry that such child has left his employ.

Sec. 25. Record of age shall be received as evidence. 1915, c. 327, § 3. Any record of age, as provided under section twenty-one to determine whether or not a work permit may be issued to any child shall be received as evidence of the age of such child in any prosecution under sections twenty to thirty-one, both inclusive, of this chapter.

Sec. 26. Work permit shall be conclusive evidence; officer may demand documentary evidence of age of child employed. 1915, c. 327, § 4. A work permit in regular form and signed by a duly authorized officer, for all minors between the ages of fourteen and sixteen years, 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, truant officer, or other officer charged with the enforcement of sections twenty to thirty-one, both inclusive, of this chapter, may make demand on any employer in or about whose place or establishment a minor apparently under the age of sixteen years is employed, permitted or suffered to work, that such employer shall either furnish him within ten days documentary evidence of age as specified in section twenty-one, or shall cease to employ, permit or suffer such child to work in such place or establishment.

Sec. 27. Punishment of employer for violation of law. 1915, c. 327, § 5. Any person, firm or corporation, agent or manager of any firm or corporation, who, either for himself or for some firm or corporation, or by himself, or through agents, servants or foremen, employs, permits or suffers any child to be employed, or to work in violation of any of the provisions of sections twenty to thirty, both inclusive, of this chapter, or otherwise fails to comply with any of the provisions of said sections, shall be punished by a fine of not less than twenty-five, nor more than two hundred dollars.

Sec. 28. Punishment of parent, guardian, or custodian of child, for violation of law. 1915, c. 327, § 5. Whoever, having any child under his control as parent, guardian, custodian, or otherwise, permits or suffers such child to be employed or to work in violation of any of the provisions of sections twenty to thirty, both inclusive, of this chapter, or whoever presents, or permits or allows any child under his control to present, to any employer, owner or superintendent, overseer or agent as required under section twenty-one any work permit 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 ten, nor more than fifty dollars for each offense.

Sec. 29. Penalty for failure to perform duty. 1915, c. 327, § 5. Whoever being authorized to issue a work permit, shall knowingly fail to perform the duties of his office as required by the provisions of sections twenty to thirty, both inclusive, of this chapter, shall be punished by a fine of not less than twenty-five, nor more than fifty dollars for each offense.

Sec. 30. Penalty for testifying to false statements. 1915, c. 327, § 5. Whoever being authorized to sign the foregoing work permit, or whoever signing any certified copy of a town clerk's record of birth, or certified copy of a child's baptismal record, or a physician's certificate, shall knowingly testify to any false statement therein, shall be punished by a fine of not less than twenty-five, nor more than fifty dollars for each offense.

Sec. 31. Enforcement of penalties and fines. 1915, c. 327, § 6. All fines or penalties provided for by the terms of the eleven preceding sections may be recovered or enforced by complaint or indictment, and in all prosecutions under this chapter and amendments and additions thereto, trial justices and judges of the municipal and police courts within their counties shall have by complaint original and concurrent jurisdiction with the supreme judicial court and superior courts.

Seats for Female Employees.

Sec. 32. Chairs in stores, shops, etc., for women or girls. 1911, c. 26. The proprietor, manager or person having charge of any mercantile establishment, store, shop, hotel, restaurant or other place where women or girls are employed as clerks or help therein in this state shall provide chairs, stools or other contrivances for the comfortable use of such female employees for the preservation of their health and for rest when not actively employed in the discharge of their respective duties. Whoever violates this section shall be punished by a fine of not less than ten, nor more than one hundred dollars.

Custodians of Elevators.

Sec. 33. Management of elevators, how regulated. 1907, c. 4. No person, firm or corporation shall employ or permit any person under fifteen years of age to have the care, custody, management or operation of any elevator, or shall employ a person under eighteen years of age to have the care, custody, management or operation of any elevator running at a speed of over two hundred feet a minute. Whoever violates this section shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars, for each offense.

109 Me. 450.

Weekly Payment of Wages.

Sec. 34. Weekly payment of wages; state, county, city and town employees; exceptions; penalty. 1911, c. 39. 1913, c. 26. 1915, c. 296. Every corporation, person or partnership, engaged in a manufacturing, mechanical, mining, quarrying, mercantile, street railway, telegraph or telephone business; in any of the building trades; upon public works, or in the construction or repair of street railroads, roads, bridges, sewers, gas, water

or electric light works, pipes or lines; every incorporated express company or water company; and every steam railroad company or corporation shall pay weekly each employee engaged in his or its business the wages earned by him to within eight days of the date of said payment, but any employee, leaving his or her employment, shall be paid in full on the following regular pay-day, provided, that when an employee is discharged he shall be paid the wages due him on demand; and the state, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every county and city shall so pay every employee who is engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee engaged in cutting and hauling logs and lumber, nor the driving of same until it reaches its place of destination for sale or manufacture; nor to an employee of a cooperative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten, nor more than fifty dollars.

Sec. 35. Contracts requiring notice of intention to quit work or discharge employee. R. S. c. 40, § 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.

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Preference to Maine Workmen and Contractors.

Sec. 36. In awarding certain contracts, preference shall be given to residents of the state; invitations for bids shall be advertised; section not applicable to certain work. 1909, c. 228, § 1. The state, counties, cities and towns, and every charitable or educational institution which is supported in whole or in part by aid granted by the state or by any municipality, shall in the awarding of contracts for constructing, altering, repairing, furnishing or equipping its buildings, or public works, give preference to workmen and to bidders for such contracts who are residents of this state, provided the bids submitted by such resident bidders are equally favorable with bids submitted by contractors from without the state. Invitations for

bids for such work or material shall be advertised in at least three daily newspapers in the state, one at least of which is published within the county where the work is to be done, provided a daily newspaper is published in such county, otherwise in a weekly newspaper published in such county; and specifications and plans for the same shall be provided and be accessible for figuring, for at least thirty days before the opening of the bids; if the bidders have conformed to all the requirements called for in the advertisements for bids, and the lowest bidder is financially responsible and able to furnish proper bonds for the fulfilment of his contract, such contract for work or materials shall be awarded by the proper officers of the state, county, city, or institution, to such bidder; provided the bid submitted by the lowest bidder is equally favorable with bids submitted by any contractors residing without the state, as above provided. This section shall not apply to construction or repairs amounting to less than one thousand dollars, or to emergency work, or to state road work.

Sec. 37. Proposal and bids shall be recorded. 1909, c. 228, § 2. Every institution and municipality calling for bids as above provided, shall enter proposals and bids upon its books, showing the name, residence of each bidder, and the amount and terms of each bid, and to whom the work or contract was awarded; and the same shall be open to the inspection of the governor and council.

Labels of Workingmen's Unions.

Sec. 38. Unlawful to counterfeit labels, trade-marks, etc., of any association or union of workingmen. R. S. c. 40, § 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-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. 39. Labels and trade-marks shall be filed and recorded in office of secretary of state; certificate of record, proof of adoption; label closely resembling one already in use, shall not be recorded. R. S. c. 40, § 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 seventeen of chapter forty-four.

Sec. 40. Union using lawful trade-mark may enjoin manufacture and use of counterfeit; counterfeits to be destroyed. R. S. c. 40, § 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. 41. Punishment for counterfeiting label or trade-mark. R. S. c. 40, § 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. 42. Punishment for wilful use of genuine trade-mark in manner not authorized. R. S. c. 40, § 34. Whoever wilfully uses or displays the genu-

ine 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.

Sec. 43. Punishment for wilful, unauthorized use of name or seal. R. S. c. 40, § 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.

Sec. 44. Prosecution of suits. R. S. c. 40, § 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.

CHAPTER 50.

Compensation for Personal Injuries to Employees.

The Workmen's Compensation Act.

Sec. 1. Title of law. Words and phrases defined. 1915, c. 295, §§ 1, 51. The first forty-eight sections of this chapter shall be known, and may be cited, and referred to in proceedings and agreements thereunder, as "The Workmen's Compensation Act"; the phrase "this act," as used in said sections, refers thereto.

The following words and phrases as used in the first forty-eight sections of this chapter, shall, unless a different meaning is plainly required by the context, have the following meaning:

I. "Employer" shall include corporations, partnerships, natural persons, the state, counties, water districts and all other quasi-municipal corporations of a similar nature, cities and also such towns as vote to accept the provisions of this act, and if employer is insured, it includes the insurer unless the contrary intent is apparent from the context or it is inconsistent with the purposes of this act.

II. "Employee" shall include every person in the service of another under any contract of hire, express or implied, oral or written, except: (a) farm laborers; (b) domestic servants; (c) masters of and seamen on