

# MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE  
REVISED STATUTES

OF THE  
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING  
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By the Authority of the Legislature

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or chain, with the difference, if any, between the same and such standard, together with the date and temperature and the tension on such tape or chain at the time of comparison. When such standard shall have been completed in any county, any surveyor residing or making surveys in such county who shall neglect or refuse to comply with the terms of this section, shall be liable to the penalties and disability set forth in section thirty-six.

**Sec. 38. Governor to appoint commissioner to verify meridians.** R. S. c. 48, § 37. When such meridian line or standard of length is established, repaired, or rebuilt in any county, the governor with the advice and consent of the council, shall appoint a competent commissioner, not necessarily a resident of this state, to inspect and verify the same. Such commissioner shall in case of a meridian line verify the same by astronomical observation, and in his report shall give an accurate description of such structures, its latitude and longitude, and the declination of the needle at the time; and in case of a standard of length shall give a description of the structure, its location and exact length as determined by comparison with some authentic standard from the United States Bureau of Weights and Measures. All such reports shall be full and accurate and be deposited in the office of the secretary of state, and a certified copy shall be filed and recorded in the office of the clerk of courts in the county where such structure is situated. Such commissioner shall receive from the state such just compensation as the governor and council shall allow.

**Sec. 39. Penalty for injuring meridian lines.** R. S. c. 48, § 36. Whoever wilfully displaces, alters, defaces, breaks, or otherwise injures any of the pillars or points, plates, enclosures, bars, locks, bolts, or any part of the structure of any meridian line or standard of length shall forfeit not more than one hundred dollars, to be recovered by indictment, half to the prosecutor and half to the county, and shall also be liable in an action of debt for the amount necessarily expended in repairing damages caused by his act.

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## CHAPTER 54.

### Provisions Relating to Labor.

Sections 1- 8	State Board of Arbitration and Conciliation.
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### State Board of Arbitration and Conciliation.

**Sec. 1. Appointment and qualification of state board of arbitration and conciliation; duties; authority to make rules; report.** R. S. c. 49, § 1. 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

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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 July, 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 to be notified of strike, or threatened strike; proceedings in settlement of strike; governor may request state board to investigate.** R. S. c. 49, § 2. 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.** R. S. c. 49, § 3. 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 to give notice of time and place of hearing.** R. S. c. 49, § 4. 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.** R. S. c. 49, § 5. 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 superior 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.** R. S. c. 49, § 6. 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.** R. S. c. 49, § 7. 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.** R. S. c. 49, § 8. Whoever, whether a person, firm, association, or corporation, violates the preceding section shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars.

## Department of Labor and Industry.

**Sec. 9. Appointment of commissioner; deputy; salaries and expenses to be audited.** R. S. c. 49, § 9. 1919, c. 231, § 1. 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 said commissioner and shall be paid their necessary traveling expenses in addition to their salaries. All expenses of the department shall be audited by the state auditor and shall be payable upon proper vouchers certified by the said commissioner.

**Sec. 10. Work of department; enforcement of laws relating to employment of minors and women; bulletins.** R. S. c. 49, § 10. 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 July, 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; sources of information to be confidential.** R. S. c. 49, § 11. The commissioner of labor and industry 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 said 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 said commissioner shall be paid, from any funds at the disposal

of the department, the same fees as witnesses before the superior court. 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 establishment.** R. S. c. 49, § 12. 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.

**Sec. 13. Duty when conditions are found unsanitary, unsafe, or injurious to health.** R. S. c. 49, § 12. 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.

See c. 35, § 46.

**Sec. 14. Terms defined.** R. S. c. 49, § 13. The following terms used in the five 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. 15. Municipal officers required to furnish information.** R. S. c. 49, § 14. 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, twelve, and thirteen as shall be in their possession as such officers.

Sec. 16. Reports of deaths, accidents, and injuries to be made to commissioner of labor. R. S. c. 49, § 15. 1929, c. 146. 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. The provisions of this section shall not apply to persons, firms or corporations obliged by law to report such deaths, accidents and injuries to the Maine industrial accident commission.

Sec. 17. Penalties. R. S. c. 49, §§ 11, 12, 13, and 16. Whoever, being duly summoned under the provisions of section eleven, wilfully neglects or refuses to attend, or refuses to answer any question propounded to him concerning the subject of such examination as provided in said section eleven, or whoever being furnished by the commissioner of labor and industry with a written or printed list of interrogatories, neglects or refuses to answer and return the same under oath, shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; provided, however, that no witness shall be compelled to go outside the county in which he resides to testify.

Whoever refuses to admit or unreasonably delays the said commissioner, or any authorized agent of the department of labor and industry, in entering any factory, mill, workshop, private works, or state institution described in section twelve for the purpose of carrying out the provisions of said section twelve, or refuses to give the information required by said commissioner or authorized agent, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

Any proprietor, owner, or agent of any factory, mill, workshop, private works or state institution, described in section twelve, who fails to make the alterations or additions required by the commissioner as state factory inspector, or any authorized agent of the department of labor and industry within thirty days from the date of the written notice specified in section thirteen or within such time as said alterations or additions can be made with proper diligence shall be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Any person in charge of properties as described in the preceding section, where accidents shall have occurred, who fails or refuses 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 dollars, nor more than fifty dollars.



## Labor of Women and Children.

Sec. 18. Employment of children under fifteen years of age, regulated. R. S. c. 49, § 20. 1919, c. 190, § 1. 1927, c. 137, § 1. 1927, c. 171, § 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, bowling-alley, or pool-room. Except as hereinafter provided, no child under fifteen 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. No minor under sixteen years of age shall be employed as usher or attendant in any theater or moving-picture house.

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Sec. 19. Regulations for employment of minors between the ages of fourteen and sixteen years of age; issuance of work permits. R. S. c. 49, § 21. 1917, c. 146. 1919, c. 190, § 2. 1927, c. 137, § 2. 1927, c. 171, § 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 attendance officer, factory inspector, or other authorized officer charged with the enforcement of sections eighteen to thirty-six, 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 issue such permit until such child has furnished such issuing officer a certificate signed by the principal of the school last attended showing that the child can read and write correctly simple sentences in the English language and that he has satisfactorily completed the studies covered in the first eight yearly grades of the elementary public schools, or their equivalent; in case such certificate cannot be obtained, then the officer issuing the work permit shall examine such child to determine whether he can meet the educational standard specified and shall file in his office a statement setting forth the result of such examination; nor until he has received, examined, approved, and filed satisfactory evidence of age showing that the child is 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 date of birth. In the event of the minor being unable to produce the evidence heretofore mentioned, and the person authorized to issue the work permit being satisfied of that fact, the said work permit may be issued on other documentary evidence of age satisfactory to the person authorized to issue the work permit, provided said documentary evidence has been approved by the state commissioner of labor. 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. A child between the ages of fourteen and sixteen who, because of subnormal mental capacity, is unable to successfully pass the tests necessary to allow a regular work permit to be issued, may under conditions deemed proper receive a work permit issued jointly by the commissioner of education and the commissioner of labor and in-

dustry, such persons to be employed in non-hazardous occupations. 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 schools; 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.

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**Sec. 20. Permits for work during summer vacation.** R. S. c. 49, § 22. 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. 21. Females not to be employed more than nine hours a day; minors under sixteen years of age not to be employed more than eight hours a day; exceptions.** 1915, c. 350, § 1. 1923, c. 198. No female shall be employed in any workshop, factory, manufacturing or mechanical establishment, or laundry more than nine hours in any one day; except when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-four in a week. And no minor under sixteen years of age shall be employed in any of the said establishments or occupations more than eight hours in any one day.

**Sec. 22. Hours of labor of children under sixteen years of age regulated.** 1915, c. 350, § 2. 1919, c. 191. No minor under sixteen years of age shall be employed or permitted to work in or in connection with any of the establishments or occupations named in section twenty-one, or in any bowling-alley or pool-room, before the hour of six-thirty o'clock in the morning or after the hour of six o'clock in the evening of any one day.

**Sec. 23. Minors under sixteen and females not to be employed more than fifty-four hours in any one week; exceptions.** 1915, c. 350, § 3. No male minor under sixteen years of age and no female shall be employed in any telephone exchange employing more than three operators or in any mercantile establishment, store, restaurant, telegraph office, or by any express or transportation company in the state of Maine more than fifty-four hours in any one week. The provisions of this section shall not apply between the seventeenth day of December and the twenty-fourth day of December both inclusive, and shall not apply during the eight days prior to Easter Sunday to persons employed in millinery shops or stores. In cases of emergency, in which there is danger to property, life, public safety, or public health and in cases of extraordinary public requirement the provisions of sections twenty-one to twenty-seven inclusive shall not apply to employers engaged in public service.

**Sec. 24. No female to be employed more than six hours continuously; exceptions.** 1915, c. 350, § 4. 1929, c. 179, § 1. No female shall, except in cases of emergency or extraordinary public requirement as provided in section twenty-three, be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in sections

twenty-one and twenty-three in which three or more such females are employed, without an interval of at least one hour; except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half-past one o'clock in the afternoon and if she is then dismissed for the remainder of the day, but this shall not apply to any telephone exchange where the operator during the night is not required to operate at the switchboard continuously but is able to sleep the major part of the night.

**Sec. 25. Employers to keep posted printed notices, stating hours of labor for females and minors for each day of the week.** 1915, c. 350, § 5. 1929, c. 179, § 2. Every employer, except those hereinafter designated, shall post and keep posted in a conspicuous place in every room in any establishment or place of occupation named in sections twenty-one and twenty-three in which females or male minors under sixteen years of age are employed, except in any telephone exchange employing less than five female operators, a printed notice stating the number of hours such females or male minors are required or permitted to work on each day of the week, the hours of beginning and ending, and the recess allowed for meals; provided, however, that every employer engaged in furnishing public service or in any other kind of business in respect to which the state department of labor and industry shall find that public necessity or convenience requires the employment of women or male minors as aforesaid by shifts during different periods or parts of the day shall post in a conspicuous place in every room in which such persons are employed, a printed notice stating separately the hours of employment for each shift or tour of duty, and the amount of time allowed for meals. The printed form of such notice shall be furnished by the commissioner of labor and industry and state factory inspector.

The employment of any such female or male minor for a longer time in any day than that stated in the printed notice, or, in case the hours named in such notice are less than as provided in sections twenty-one and twenty-three, the employment of any such female or male minor for a longer time in any day than as provided in sections twenty-one and twenty-three shall be deemed a violation of the provisions of this section except in cases of emergency or extraordinary public requirement as provided in section twenty-three, and in such cases no employment in excess of the hours authorized under the provisions of this chapter shall be considered as legalized until a written report of the day and hour of its occurrence and its duration is sent to the commissioner of labor and industry and state factory inspector. Whenever the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females or male minors employed, the commissioner of labor and industry and state factory inspector may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends, and requiring only the posting of the total number of hours which females or male minors are required or permitted to work on each day of the week, and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises, and exhibited to the commissioner of labor and industry and state factory inspector, his deputy, or any authorized agent of the labor department, who is hereby authorized to enforce this chapter.

**Sec. 26. Employers to keep a record of hours of work by each female and minor under sixteen years of age on each day of the week.** 1915, c. 350, § 6. Every employer shall keep a time-book or record for every female, and every male minor under sixteen years of age employed in any establishment or occu-

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pation named in sections twenty-one and twenty-three of this chapter, stating the number of hours worked by each female and each male minor under sixteen years of age on each day of the week. Such time-book or record shall be opened at all reasonable hours to the inspection of the commissioner of labor and industry and state factory inspector, his deputy, or any authorized agent of the labor department. Any employer who fails to keep such record as required by this section or makes any false entry therein, or refuses to exhibit such time-book or record, or makes any false statement to the commissioner of labor and industry and state factory inspector, his deputy, or any authorized agent of the labor department. Any employer who fails to keep such record as required by this chapter shall be liable for a violation thereof.

**Sec. 27. Exceptions.** 1915, c. 350, § 8. Nothing in the six 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.

**Sec. 28. Blanks to be furnished by commissioner of labor; duplicate permits to be filed with commissioner; surrender and cancelation of permits.** R. S. c. 49, § 23. 1919, c. 190, § 3. The blank work permit and other papers required by sections nineteen and twenty 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, within twenty-four hours of the time that said permit was issued. 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. 29. Blank employment certificates to be prepared; notice to commissioner when employment is terminated.** R. S. c. 49, § 24. 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. 30. Record of age to be received as evidence.** R. S. c. 49, § 25. Any record of age, as provided under section nineteen 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 eighteen to thirty-six, both inclusive, of this chapter.

**Sec. 31. Work permit conclusive evidence in behalf of employer; officer may demand documentary evidence of age of child employed.** R. S. c. 49, § 26. A work permit in regular form 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, attendance officer, or other officer charged with the enforcement of sections eighteen to thirty-six, 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 nineteen, or shall cease to employ, permit, or suffer such child to work in such place or establishment.

**Sec. 32. Penalty for employer for violation of law.** R. S. c. 49, § 27. 1915, c. 350, § 7. 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 his 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 eighteen, nineteen, twenty, twenty-eight, twenty-nine, thirty, or thirty-one, 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 dollars, nor more than two hundred dollars.

Any person who violates any of the provisions of sections twenty-one to twenty-six inclusive shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars for the first offense; for the second offense by a fine of not less than fifty dollars nor more than two hundred dollars; for a third offense and for every subsequent offense by a fine of not less than two hundred and fifty dollars nor more than five hundred dollars.

**Sec. 33. Penalty for parent, guardian, or custodian of child for violation of law.** R. S. c. 49, § 28. 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 eighteen to thirty-five, 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 nineteen 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 dollars, nor more than fifty dollars for each offense.

**Sec. 34. Penalty for failure to perform duty.** R. S. c. 49, § 29. Whoever being authorized to issue a work permit, knowingly fails to perform the duties of his office as required by the provisions of sections eighteen to thirty-five, both inclusive, of this chapter, shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars for each offense.

**Sec. 35. Penalty for testifying to false statements.** R. S. c. 49, § 30. 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, knowingly testifies to any false statement therein, shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars for each offense.

**Sec. 36. Enforcement of penalties and fines.** R. S. c. 49, § 31. 1915, c. 350, § 9. All fines or penalties provided for by the terms of the 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 superior court.

#### Seats for Female Employees.

**Sec. 37. Chairs in shops, etc., for women or girls. R. S. c. 49, § 32.** 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 any of the provisions of this section shall be punished by a fine of not less than ten dollars, nor more than one hundred dollars.

#### Custodians of Elevators.

**Sec. 38. Employment of minors on elevators, regulated; penalty. R. S. c. 49, § 33. 1927, c. 171, § 3.** 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 sixteen 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, or shall employ any minor under sixteen years of age to have the care, custody, management, or operation of any elevator in any hotel, lodging-house, or apartment-house. Whoever violates any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each offense.

109 Me. 450; 114 Me. 213.

#### Weekly Payment of Wages.

**Sec. 39. Weekly payment of wages; state, county, city, and town employees; exceptions; penalty. R. S. c. 49, § 34.** 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 any of the provisions of this section shall be punished by a fine of not less than ten dollars, nor more than fifty dollars.

\*114 Me. 256.

**Sec. 40. Contracts requiring notice of intention to quit work or discharge employee; forfeiture for violation.** R. S. c. 49, § 35. 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.

91 Me. 61; 114 Me. 256.

#### Preference to Maine Workmen and Contractors.

**Sec. 41. In awarding certain contracts, preference to be given to residents of the state; invitations for bids to be advertised; section not applicable to certain work.** R. S. c. 49, § 36. 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. 42. Proposal and bids to be recorded.** R. S. c. 49, § 37. 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. 43. Unlawful to counterfeit labels, trade-marks, etc., of any association or union of workingmen.** R. S. c. 49, § 38. 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. 44. Labels and trade-marks to be filed and recorded in office of secretary of state; certificate of record, proof of adoption; label closely resembling one already in use not to be recorded.** R. S. c. 49, § 39. 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-nine.

**Sec. 45. Union using lawful trade-mark may enjoin manufacture and use of counterfeit; counterfeits to be destroyed.** R. S. c. 49, § 40. 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. 46. Penalty for counterfeiting label or trade-mark. R. S. c. 49, § 41.** 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 of not more than 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 dollars, nor more than five hundred dollars, or by imprisonment for not less than sixty days, nor more than three years.

**Sec. 47. Penalty for wilful use of genuine trade-mark in manner not authorized. R. S. c. 49, § 42.** 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 a fine of not more than one hundred dollars or by imprisonment for not more than six months; and, for a second offense, shall be punished by a fine of not less than fifty dollars, nor more than three hundred dollars; or by imprisonment for not less than thirty days nor more than eleven months.

**Sec. 48. Penalty for wilful, unauthorized use of name or seal. R. S. c. 49, § 43.** 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 a fine of not more than one hundred dollars, or by imprisonment for not more than six months, and for a second offense shall be punished by a fine of not less than fifty dollars, nor more than three hundred dollars; or by imprisonment for not less than thirty days nor more than eleven months.

**Sec. 49. Prosecution of suits. R. S. c. 49, § 44.** 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.