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Chapter 30.

Department of Labor and Industry.

Organization.

Sec. 1. Commissioner; deputy; assistants; salaries; expenses.—A state department of labor and industry, as heretofore established and hereinafter in this chapter called the "department", shall be maintained under the direction of an officer whose title shall be commissioner of labor and industry and state factory inspector, hereinafter in this chapter called the "commissioner". He shall be appointed by the governor, with the advice and consent of the council, for a term of 3 years, and shall hold office until his successor is appointed and qualified. He shall have an office in the state capitol. He shall appoint, subject to the provisions of the personnel law, such employees as may be necessary and a deputy who shall be clerk of the department and deputy state factory inspector. The commissioner shall receive an annual salary of $5,000, and in addition $1,000 annually for his services as a member of the industrial accident commission and his actual, necessary cash expenses while away from his office on official business of the industrial accident commission. The commissioner and deputy state factory inspector shall also receive their actual traveling expenses. The commissioner shall also appoint a woman factory inspector. All expenses of the department shall be audited and paid as provided by law. (R. S. c. 25, § 1. 1945, c. 369. 1951, c. 412, § 8.)

See § 7, re definition of terms used in §§ 1-6.

Powers and Duties.

Sec. 2. Duties; laws relating to employment of women and minors; bulletins.—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 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 1st 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. (R. S. c. 25, § 2.)

See § 7, re definition of terms used in §§ 1-6.

Sec. 3. Facts and statistics; seal; testimony; sources of information confidential.—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; 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 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. (R. S. c. 25, § 3.)

See § 7, re definition of terms used in §§ 1-6; § 9, re penalties.

Sec. 4. Powers to enter manufacturing establishment.—The commissioner as state factory inspector, and any authorized agent of the department, 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 2 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. (R. S. c. 25, § 4.)

See § 7, re definitions of terms used in §§ 1-6; § 9, re penalties.

Sec. 5. Duty when conditions are found insanitary, unsafe or injurious to health.—If the commissioner as state factory inspector, or any authorized agent of the department, 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 fire escapes or other means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators and appurtenances, 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 or containing molten metal, hot liquids or inflammables, 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 30 days, the alterations or additions by him deemed necessary for the safety and protection of the employees. (R. S. c. 25, § 5. 1947, c. 208.)

See § 7, re definition of terms used in §§ 1-6; § 9, re penalties; c. 97, § 57, re investigation of officials in neglect of duty concerning fire hazards.

Sec. 6. Municipal officers to furnish information.—All state, county, city and town officers are directed to furnish the commissioner upon his request, such statistical or other information contemplated by sections 2, 3, 4 and 5 as shall be in their possession as such officers. (R. S. c. 25, § 6.)

Definitions.

Sec. 7. Definitions.—The following terms used in the 6 preceding sections shall have the following meanings:

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 "person" means an individual, corporation, partnership, company or association.

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. (R. S. c. 25, § 7.)

Reports of Accidents, Deaths and Injuries.

Sec. 8. Reports of deaths, accidents and injuries. — The person in charge of any factory, workshop or other industrial establishment shall, within 10 days after the occurrence, report in writing to the commissioner 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 6 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. (R. S. c. 25, § 8.)

See § 9, re penalties.

Penalties.

Sec. 9. Penalties.—Whoever, being duly summoned under the provisions of section 3, willfully 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 3, or whoever, being furnished by the commissioner 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 $25, nor more than $100, or by imprisonment for not more than 30 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 commissioner or any authorized agent of the department in entering any factory, mill, workshop, private works or state institution referred to in section 4 for the purpose of carrying out the provisions of said section 4, or refuses to give the information required by said commissioner or authorized agent, shall be punished by a fine of not more than $100, or by imprisonment for not more than 90 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 4, who fails to make the alterations or additions required by the commissioner as state factory inspector or any authorized agent of the department within 30 days from the date of the written notice specified in section 5 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 $25, nor more than $200, or by imprisonment for not more than 30 days, or by both such fine and imprisonment.

Any person in charge of properties referred to in section 8, who neglects or refuses to comply with the requirements of said section, shall be punished by a fine of not less than $25, nor more than $50. (R. S. c. 25, § 9.)

For a holding under former law (c. 139, Laws of 1887) that the refusal of an employer to produce certificates of the ages and places of birth of children under 16 years of age, employed by him, for the inspection of the deputy commissioner of labor, is not an interference with the deputy commissioner's duties, see State v. Donaldson, 84 Me. 55, 24 A. 528.

Panel of Mediators.

Sec. 10. Policy.—It is declared to be the policy of the state to provide full and adequate facilities for the settlement of disputes between employers and employees or their representatives through mediation. (1951, c. 353. 1953, c. 308, § 30.)

Sec. 11. Panel of mediators.—A panel of mediators, as heretofore established, shall consist of 5 impartial 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 3 years. One member of the panel shall be appointed chairman thereof by the governor with the advice and consent of the council. Vacancies occurring during a term shall be filled for the unexpired term. Members of the panel shall each receive $20 a day for their services, for the time actually employed in the discharge of their official duties and shall also receive their traveling and all other necessary expenses. Neither the commissioner

nor any official of the department of labor and industry nor any member of the board of arbitration and conciliation shall be eligible to serve as a member of the panel nor have any jurisdiction or authority over the panel in the performance of its duties. (1951, c. 353. 1953, c. 308, § 30.)

Sec. 12. Mediation procedure; duties.—The chairman of the panel, upon request of one or both of the parties to a dispute between an employer and his employees, shall, or upon his own motion may, proffer the services of one or more members of the panel to be selected by the chairman, to serve as a mediator or mediators in such a dispute. The member or members so selected shall exert every reasonable effort to encourage the parties to the dispute to settle their differences by conference or other peaceful means. (1951, c. 353. 1953, c. 308, § 30.)

Sec. 13. Services of panel not available if covered by agreement.—The services of the panel as mediators shall not be invoked in any dispute between the parties to an agreement between an employer and his employees if such agreement contains provisions providing a method for settlement of such dispute. (1951, c. 353. 1953, c. 308, § 30.)

Sec. 14. Privilege.—Any information disclosed by either party to a dispute to the panel or any of its members in carrying out the provisions of sections 10 to 14, inclusive, shall be privileged. (1951, c. 353. 1953, c. 308, §§ 30, 31.)

State Board of Arbitration and Conciliation.

Sec. 15. Appointment and qualification of board; salaries and expenses; duties; rules; report; rights of workers.—The state board of arbitration and conciliation, as heretofore established, shall consist of 3 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 3 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. The 3rd member shall be chairman of the board and shall represent the public interests of the state. Vacancies occurring during a term shall be filled for the unexpired term. The board shall hold a meeting on the 3rd Wednesday of September in each year and shall organize by choosing from its members a secretary. Members of the board shall each receive $20 a day, for their services, for the time actually employed in the discharge of their official duties; they shall also receive their traveling and all other necessary expenses. Workers shall have full freedom of association, self organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection, free from interference, restraint or coercion by their employers or other persons, and 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 1st 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. (R. S. c. 25, § 10. 1945, c. 282, § 1. 1949, c. 51.)

See Me. Const., Art. 9, § 1, re oath;
c. 136, § 17, et seq., re strikes, etc., against
public service corporations.

Sec. 16. Board to be notified of strike or threatened strike; proceedings in settlement; governor may request board to investigate.—Whenever it appears to the mayor of a city or the selectmen of a town or any

citizen of the state directly involved or about to be involved therein 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 dispute, strike or lockout. If, when such strike is threatened or actually occurs, it appears that as many as 10 employees are directly concerned therein, the state board of arbitration and conciliation shall, and in any case may, 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. The board shall have authority to subpoena either party. If the matter be submitted, and the parties involved in the dispute, strike or lockout, or their proper representatives, agree to abide by the decision of the board to which it is submitted, said board 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. (R. S. c. 25, § 11. 1945, c. 282, § 2.)

Sec. 17. Board may make inquiry into cause of controversy, hear parties and make written decision.—In any such controversy where not less than 10 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 6 months be binding on the parties who join in the agreement as specified in section 16 or until the expiration of 60 days after either party has given notice to the other in writing of his decision not to be bound thereby; such notice may be given to the employees by posting it in 3 conspicuous places in the shop, factory, yard or other place where they work. (R. S. c. 25, § 12. 1945, c. 282, § 3.)

See § 20, re submitting controversy to local board of arbitration.

Sec. 18. Application for inquiry; notice of hearing.—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 3 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. (R. S. c. 25, § 13.)

Sec. 19. Witnesses summoned and books produced.—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 controller. (R. S. c. 25, § 14.)

Sec. 20. Controversy submitted to local board of arbitration; decision.—The parties to any controversy described in section 17 may submit such controversy to a local board of arbitration and conciliation which may be either mutually agreed upon or may be composed of 3 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 10 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 $5 for each day of actual service, to be paid by the treasurer of state on a warrant drawn by the controller. (R. S. c. 25, § 15.)

Sec. 21. Advertising or solicitation during strike or disturbance.—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. Any person, firm, association or corporation who violates the provisions of this section shall be punished by a fine of not less than $25, nor more than $50. (R. S. c. 25, § 16.)

See c. 107, § 36, re injunctions in labor disputes.

Labor of Women and Children.

Cross References.—See c. 41, § 127, re certain vocational education provisions not applicable to child labor; c. 61, § 41, re employment of minors on premises where liquor is sold.

Sec. 22. Employment of minors under 18 in certain establishments.—No minor under 18 years of age shall be employed in, about or in connection with any manufacturing or mechanical establishment, laundry, dry cleaning establishment or bakery in any capacity that the commissioner determines to be hazardous, dangerous to their lives or limbs, injurious to morals or where their health will be injured. The provisions of this section shall not apply to minors in public and approved private schools wherein mechanical equipment is installed and operated primarily for purposes of instruction. (R. S. c. 25, § 17. 1945, c. 277, § 1; c. 309. 1947, c. 23. 1949, c. 290, § 1.)

Cross references.—See § 42, re penalty for employer; § 43, re penalty for parent, etc.

Quoted in part in Bartley v. Couture, 143 Me. 69, 55 A. (2d) 438.

Cited in State v. Beaudette, 122 Me. 44, 118 A. 719.

Sec. 23. Employment of minors under 16 years of age prohibited in certain establishments.—No minor under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any manufacturing or mechanical establishment, hotel, rooming house, laundry, dry cleaning establishment, bakery, bowling alley, poolroom, commercial places of amusement, including traveling shows and circuses, in any theater or moving picture house as usher or attendant, nor in or about a projection booth. (1949, c. 290, § 2.)

Cross reference.—See § 43, re penalty for parent, etc.

Cited in Cote v. Jay Mfg. Co., 115 Me. 300, 98 A. 817.

Sec. 24. Minors under 16 not to be employed more than 8 hours a day, 48 hours or 6 days a week.—No minor under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation for more than 8 hours in any 1 day, or for more than 48 hours in any 1 week, or for more than 6 consecutive days in any 1 week.

No minor under 16 years of age, enrolled in school, shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation for more than 4 hours on a school day, or for more than 28 hours in any 1 week, or for more than 6 consecutive days in any 1 week when the school is in session, except as hereinafter provided.

Work performed in agriculture or any occupation that does not offer continuous, year-round employment shall be exempt from the provisions of this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the commissioner of education and the commissioner of labor and industry. (1949, c. 290, § 2.)

See § 43, re penalty for parent, etc.

Sec. 25. Employment of minors under 15 years of age prohibited.—No child under 15 years of age shall be employed, permitted or suffered to work in, about or in connection with any eating place, sporting or overnight camp or mercantile establishment. Except as otherwise provided, no child under 15 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. The provisions of this section shall not apply to any such child who is employed directly by, with or under the supervision of either or both of its parents. (1949, c. 290, § 2.)

Cross reference.—See § 43, re penalty for parent, etc.

Cited in Nelson v. Burnham & Morrill Co., 114 Me. 213, 95 A. 1029.

Sec. 26. Employment of minors under the age of 16 years; work permits.—No minor under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation, subject to the prohibitions set forth in section 23, 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 22 to 45, inclusive, a work permit issued to such 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 provisions of this section shall not apply to minors engaged in work performed in agriculture, household work or any occupation that does not offer continuous, year-round employment.

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 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; such evidence shall consist of a certified copy of the town clerk's record of the birth of such child, or a certified copy of his baptismal record, showing the date of his birth 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 satisfacory to the person authorized to issue the work permit, provided such documentary evidence has been approved by the commissioner. 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, 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 15 and 16 years 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 industry, 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. 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. (R. S. c. 25, § 18. 1945, c. 277, § 2. 1949, c. 290, §§ 3, 4. 1953, c. 254.)

Cross references.—See § 42, re penalty for employer; § 43, re penalty for parent, etc.; c. 41, § 92, re compulsory education.

Noncompliance with section does not affect coverage under Workmen's Compensation Act.—That failure to secure the permit herein provided for will not preclude the minor from coverage under the Workmen's Compensation Act, see Bartley v. Couture, 143 Me. 69, 55 A. (2d) 438.

Cited in Cote v. Jay Mfg. Co., 115 Me. 300, 98 A. 817.

Sec. 27. Permits for work during summer vacation.—Vacation permits shall be issued by the local superintendent of schools, or by some person authorized by him in writing, to minors under 16 years of age for the same occupations and on satisfaction of the same requirements, with the exception of the educational qualifications, as for the regular work permits provided for in section 26 and shall entitle their holders to work in those occupations during the summer school vacation. These permits shall be void after the 1st 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. (R. S. c. 25, § 19. 1949, c. 290, § 5.)

See § 24, re employment of minors under 16; § 42, re penalty for employer; § 43, re penalty for parent, etc.

Sec. 28. Blanks furnished; duplicate permits filed; surrender and cancellation of permits.—The blank work permit and other papers required by sections 26 and 27 shall be formulated by the commissioner 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 for-

warded to the department by the officer issuing same, within 24 hours of the time that said permit was issued. Said department shall examine such papers and promptly return them to the officer who sent them. Such original papers upon which said permits were issued shall be filed by such officer and preserved for such time as said permits are outstanding, or until the minor arrives at the age of 16. They shall be at all times accessible to the commissioner or any authorized agent of his department. Such officer shall return to such 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, his deputy or agent shall notify the local superintendent of schools of the place in which such certificate was issued. The local superintendent shall cancel such permit when directed to do so by the commissioner. (R. S. c. 25, § 20.)

See § 43, re penalty for parent, etc.

Sec. 29. Blank employment certificates prepared; notice when employment terminated.—Employment certificates, to be formulated by the commissioner, approved by the attorney general and supplied by the department, shall be prepared by the employer of such child and mailed within 24 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 that such child has left his employ. (R. S. c. 25, § 21.)

See § 43, re penalty for parent, etc.

Sec. 30. Females not to be employed more than 9 hours a day.—No female shall be employed in any workshop, factory, manufacturing, mechanical or mercantile establishment, beauty parlor, hotel, restaurant, dairy, bakery, laundry, dry cleaning establishment, telegraph office, in any telephone exchange employing more than 3 operators or by any express or transportation company in the state more than 9 hours in any 1 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 1 day of the week; and in no case shall the hours of labor exceed 10 hours in any 1 day or 54 hours in any 1 week. (R. S. c. 25, § 22. 1949, c. 290, § 6.)

See §§ 33, 34, 35 and 39, re exceptions, etc.; § 42, re penalty for employer; § 43, re penalty for parent, etc.

Sec. 31. Fifty hours a week in certain establishments for females.—No female shall be employed as a production worker in any workshop, factory, manufacturing or mechanical establishment more than 50 hours in any 1 week. (1949, c. 290, § 7.)

See §§ 33, 34, 35 and 39, re exceptions, etc.; § 42, re penalty for employer; § 43, re penalty for parent, etc.

Sec. 32. Females not to be employed more than 54 hours in any 1 week.—No female shall be employed in any mercantile establishment, beauty parlor, hotel, restaurant, dairy, bakery, laundry, dry cleaning establishment, telegraph office, in any telephone exchange employing more than 3 operators or by any express or transporation company in the state more than 54 hours in any 1 week.

The provisions of this section shall not apply between the 17th day of December and the 24th day of December, inclusive, and shall not apply during the 8 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 30 to 39, inclusive, shall not apply to employers engaged in public service. (R. S. c. 25, § 24. 1945, c. 278. 1949, c. 290, § 8.)

See §§ 33, 34, 35 and 39, re exceptions, etc.; § 42 re penalty for employer; § 43, re penalty for parent, etc.

Sec. 33. Application of §§ 30-37.—The provisions of sections 30 to 37, inclusive, shall not apply to any female working in an executive, administrative, professional or supervisory capacity, or to any female employed as personal office assistant to any person working in an executive, administrative, professional or supervisory capacity and who receives remuneration on an annual salary basis of more than $1,560, or to any female employed in offices of common carriers which are subject to the federal railway labor act. (1949, c. 290, § 9. 1953, c. 42.)

Sec. 34. Application of §§ 30-32.—A relaxation of the application of sections 30 to 32, inclusive, shall be made under the following conditions. Such relaxation shall be by written agreement between an employer and employee or her authorized representative, subject to the approval of such agreement by the commissioner; and provided further, that the relaxation shall be for not more than 15 days, singularly or consecutively, during the calendar year. The commissioner shall not approve such relaxation except on proof of necessity, extraordinary requirements or emergencies. (1949, c. 290, § 9.)

Sec. 35. Application of §§ 30-37 during war and other emergencies.—During the emergency of war or any national emergency declared by the president of the United States, the provisions of sections 30 to 37, inclusive, shall not prohibit the employment in any manufacturing plant of any female up to 10 hours in any 1 day; and on agreement between any employer and such employee or her authorized representative reported to the commissioner within 48 hours thereafter, any female may be employed in excess of 10 hours in any 1 day in any manufacturing plant unless and until such agreement is acted upon unfavorably by the commissioner, subject in any case to the limitation of 56 hours in any 1 week. The commissioner may approve any such agreement in case of necessity, extraordinary business requirement, danger to property or life or emergency involving the public peace, health or safety. (1951, c. 159.)

Sec. 36. No female to be employed more than 6 hours continuously.—No female shall, except in cases of emergency or extraordinary public requirement as provided in section 32, be employed or permitted to work for more than 6 hours continuously at one time in any establishment or occupation named in sections 30 and 32 in which 3 or more such females are employed, without an interval of at least 1 hour; except that such female may be so employed for not more than 6½ hours continuously at one time if such employment ends not later than 1:30 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. Females employed in any workshop, factory, manufacturing or mechanical establishment on a shift period of more than 6½ hours shall be given not less than a consecutive 30-minute rest period on each shift at such a time, so that the employee does not work more than 6½ consecutive hours on any 1 shift without such rest period. (R. S. c. 25, § 25. 1949, c. 290, § 10.)

See §§ 33, 34, 35 and 39, re exceptions, etc.; § 42 re penalty for employer; § 43, re penalty for parent, etc.

Sec. 37. Employers to keep posted printed notices, stating hours of labor for females and minors for each day of the week.—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 30 and 32 in which females or male minors under 16 years of age are employed, except in any telephone exchange employing less than 3 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 department 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.

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 30 and 32, the employment of any such female or male minor for a longer time in any day than as provided in sections 30 and 32 shall be deemed a violation of the provisions of this section except in cases of emergency or extraordinary public requirement as provided in section 32, 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. 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 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, his deputy or any authorized agent of the department who is authorized to enforce the provisions of this chapter. (R. S. c. 25, § 26. 1949, c. 290, § 11.)

See §§ 33, 34, 35 and 39, re exceptions, etc.; § 42 re penalty for employer; § 43, re penalty for parent, etc.

Sec. 38. Employers to keep a record of hours of work by each female and minor under 16 years of age on each day of the week.—Every employer shall keep a time book or record for every female and every male minor under 16 years of age employed in any establishment or occupation named in sections 30 and 32, stating the number of hours worked by each female and each male minor under 16 years of age on each day of the week. Such time book or record shall be open at all reasonable hours to the inspection of the commissioner, his deputy or any authorized agent of the department. Any employer who fails to keep the record 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, his deputy or any authorized agent of the department in reply to any question put in carrying out the provisions of sections 30 to 39, inclusive, shall be liable for a violation thereof. (R. S. c. 25, § 27.)

See § 42, re penalty for employer; § 43, re penalty for parent, etc.

Sec. 39. Labor on perishable goods, exempted.—Nothing in the 10 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. (R. S. c. 25, § 28. 1949, c. 283, § 2; c. 349, § 49. 1951, c. 266, § 31; c. 281.)

See § 43, re penalty for parent, etc.

Sec. 40. Record of age received as evidence.—Any record of age, as provided under the provisions of section 26 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 the provisions of sections 22 to 45, inclusive. (R. S. c. 25, § 29.)

See § 43, re penalty for parent, etc.

Sec. 41. Work permit conclusive evidence in behalf of employer; documentary evidence of age of child employed.—A work permit in regular form signed by a duly authorized officer, for all minors under 16 years of age, 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 the provisions of sections 22 to 45, inclusive, may make demand on any employer in or about whose place or establishment a minor apparently under the age of 16 years is employed, permitted or suffered to work, that such employer shall either furnish him within 10 days documentary evidence of age as specified in section 26, or shall cease to employ, permit or suffer such child to work in such place or establishment. (R. S. c. 25, § 30. 1947, c. 150, § 1. 1949, c. 290, § 12.)

See § 42, re penalty for employer; § 43, re penalty for parent, etc.

Sec. 42. Penalty for employer.—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 22, 26, 27, 28, 29, 40 or 41, or otherwise fails to comply with any of the provisions of said sections, shall be punished by a fine of not less than $25, nor more than $200.

Any person who violates any of the provisions of sections 30 to 38, inclusive, shall be punished by a fine of not less than $25, nor more than $50, for the 1st offense; for the 2nd offense by a fine of not less than $50, nor more than $200; for a 3rd offense and for every subsequent offense by a fine of not less than $250, nor more than $500. (R. S. c. 25, § 31.)

Cross reference.—See § 43, re penalty for parent, etc.

Cited in Bartley v. Couture, 143 Me. 69, 55 A. (2d) 438.

Sec. 43. Penalty for parent, guardian or custodian of child for violation of law.—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 22 to 45, inclusive, 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 the provisions of section 26 any work permit containing any false statement as to the date of birth or age of such child, knowing it to be false, shall be punished by a fine of not less than $10, nor more than $50, for each offense. (R. S. c. 25, § 32.)

Cited in Bartley v. Couture, 143 Me. 69, 55 A. (2d) 438.

Sec. 44. Work permits; failure to perform duties.—Whoever, being authorized to issue a work permit, knowingly fails to perform the duties of his office as required by the provisions of sections 22 to 45, inclusive, shall be punished by a fine of not less than $25, nor more than $50, for each offense. (R. S. c. 25, § 33.)

See § 43, re penalty for parent, etc.

Sec. 45. Testifying to false statements.—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 certifies to any false statement therein, shall be punished by a fine of not less than $25, nor more than $50, for each offense. (R. S. c. 25, § 34.)

See § 43, re penalty for parent, etc.

Seats for Female Employees.

Sec. 46. Chairs in shops, etc., for women or girls.—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 $10, nor more than $100. (R. S. c. 25, § 36.)

Fee for Medical Examination.

Sec. 47. Definitions.—The term "employer" as used in sections 47 and 48 shall mean and include an individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy and any common carrier by rail, motor, water, air or express company doing business in or operating within the state.

The term "employee" shall mean and include every person who may be permitted, required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment. (1949, c. 394.)

Sec. 48. Charge for medical examination by employer prohibited.—It shall be unlawful for any employer to require any employee or accepted applicant for employment to bear the medical expense of an examination when such examination is ordered or required by the employer. Any employer who violates the provisions of this section shall be liable to a penalty of not more than $50 for each and every violation. It shall be the duty of the commissioner to enforce the provisions of this section. (1949, c. 394. 1953, c. 358.)

Custodians of Elevators.

Sec. 49. Employment of minors on elevators.—No person, firm or corporation shall employ or permit any person under 15 years of age to have the care, custody, management or operation of any elevator, or shall employ a person under 16 years of age to have the care, custody, management or operation of any elevator running at a speed of over 200 feet a minute, or shall employ any minor under 16 years of age to have the care, custody, management or operation of any elevator in any hotel, lodginghouse or apartment house. Whoever violates any of the provisions of this section shall be punished by a fine of not less than $25, nor more than $100, for each offense. (R. S. c. 25, § 37.)

Employment of boy under 15 is evidence of negligence as to injuries caused by him.—The fact that a boy under 15 years of age is employed in violation of law, to operate and control an elevator, is competent but not conclusive evidence of negligence with respect to all consequences resulting from a failure of duty on the part of such boy of immature age; and if it is unexplained, and taken in connection with other facts and circumstances, it may be conclusive evidence of such negligence. Jones v. Co-Operative Ass'n of America, 109 Me. 448, 84 A. 985.

Cited in Nelson v. Burnham & Morrill Co., 114 Me. 213, 95 A. 1029.

Wages.

Sec. 50. Wages, time of payment; records; penalty.—Every corporation, person or partnership engaged in a manufacturing, mechanical, mining, quarrying, mercantile, restaurant, hotel, summer camp, beauty parlor, amusement, 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 8 days of the date of such payment; but any employee, leaving his or her employment, shall be paid in full on demand at the office of the employer where payrolls are kept and wages are paid, 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. A true record shall be kept showing the date and amount paid to each person engaged in any of the above occupations. There shall also be kept a daily record of the time worked by such person, excepting such employees as are paid a fixed weekly salary regardless of the number of hours worked, the same to be accessible at any reasonable hour to any representative of the department. 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 $25, nor more than $50. (R. S. c. 25, § 38. 1951, c. 94.)

Section assumes employee leaves rightfully and relates solely to time of payment of wages to which he is entitled.—The provision in this section requiring that an employee leaving his employment shall be paid his wages in full on demand relates to wages to which he is entitled, and not to those which he has forfeited under § 51. It relates solely to the time of payment. It entitles every employee to payment weekly, and to payment of all wages earned up to within eight days of the time of payment. But it is further provided that if the servant leaves he need not wait for his pay for the last eight days' work until the next pay day, or until eight days have elapsed, but that he is entitled to his pay in full on leaving. It assumes that the employee leaves rightfully. Veitkunas v. Morrison, 114 Me. 256, 95 A. 947.

Sec. 51. Contracts requiring notice of intention to quit work or discharge employee; forfeiture for violation.—Any person, firm or corporation engaged in any manufacturing or mechanical business may contract with adult or minor employees to give 1 week's notice of intention on such employee's part to quit such employment under a penalty of forfeiture of 1 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 1 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. (R. S. c. 25, § 39.)

Cross reference.—See note to § 50.

Purpose of section.—This section is evidently intended to prevent the injurious consequences which might result to the one or the other, if the employer discharged the servant, or the servant left the employer, without notice. It has nothing to do with the time of the payment of

wages. Veitkunas v. Morrison, 114 Me. 256, 95 A. 947.

No forfeiture where employee quits without notice because of reduced wage rate.—Where an employer reduced the employee's wage rate and employee quit without giving one week's notice, as provided in his contract, because given to understand that he would be paid only the new rate for that week, the facts did not support the claim of forfeiture by either party. Cote v. Bates Mfg. Co., 91 Me. 59, 39 A. 280.

Equal Pay.

Sec. 52. Wage rates for equal work.—No employer shall employ any female in any occupation within this state for salary or wage rates less than the salary or wage rates paid by that employer to male employees for equal work. However, nothing in this section shall prohibit a variation in salary or wage rates based upon a difference in seniority, experience, training, skill, ability or difference in duties or services performed, either regularly or occasionally, or difference in the shift or time of the day worked, or difference in availability for other operation or other reasonable differentiation except difference in sex. Any individual, association or corporation who violates the provisions of this section shall be punished by a fine of not more than $200. (1949, c. 262.)

Unfair Wage Agreements.

Sec. 53. Unfair wage agreements.—No person, firm or corporation shall require or permit any person as a condition of securing or retaining employment in any factory, work shop, manufacturing, mechanical or mercantile establishment to work without monetary compensation or when having an agreement, verbal, written or implied that a part of such compensation should be returned to the person, firm or corporation for any reason other than for the payment of a loan, debt or advance made to the person, or for the payment of any merchandise purchased from the employer or for sick or accident benefits, or life or group insurance premiums, excluding compensation insurance, which an employee has agreed to pay, or for rent, light or water expense of a company-owned house or building.

Any person, firm or corporation violating any of the provisions of this section shall be punished by a fine of not more than $50 for each such offense. (R. S. c. 25, § 41.)

Preference to Maine Workmen and Contractors.

Sec. 54. Preference to Maine residents in certain contracts; invitations for bids advertised.—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. This section shall not apply to construction or repairs amounting to less than $1,000, or to emergency work or to state road work. (R. S. c. 25, § 42.)

Sec. 55. Proposals and bids recorded.—Every municipality calling for bids as above provided shall enter proposals and bids upon its books, showing the name and 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. (R. S. c. 25, § 43.)

Sec. 56. Public works, preference Maine citizens; minimum wage.—In the employment of laborers in the construction of public works, including

state highways, by the state or by persons contracting therewith for such construction, preference shall first be given to citizens of the state who are qualified to perform the work to which the employment relates, and, if they cannot be obtained in sufficient numbers, then to citizens of the United States; and every contract for such work shall contain a provision to this effect. The wages for a day's work paid to laborers employed in the construction of public works, including state highways as aforesaid, shall be not less than the prevailing rate paid by the state for similar work done by the highway commission. Any contractor who knowingly and willfully violates the provisions of this section shall be punished by a fine of not more than $100. Each day that any contractor employs a laborer at less than the wage minimum herein stipulated shall constitute a separate violation of the provisions of this section. (R. S. c. 25, § 40.)

Labels of Workingmen's Unions.

Sec. 57. Labels, trade-marks, etc., of any association or union of workingmen counterfeited.—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. (R. S. c. 25, § 44.)

Sec. 58. Labels and trade-marks filed and recorded in office of secretary of state; certificate of record, proof of adoption.—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 2 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 such 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; the 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 the provisions of this chapter, shall be sufficient proof of the adoption of such label, trade-mark, device or form of advertisement. Whoever willfully 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 7 of chapter 182. (R. S. c. 25, § 45.)

Sec. 59. Union using lawful trade-mark may enjoin manufacture and use of counterfeit; counterfeits to be destroyed.—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. (R. S. c. 25, § 46.)

Sec. 60. Counterfeiting label or trade-mark.—Whoever knowingly and with intent to mislead or deceive counterfeits or imitates any 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 1st offense by a fine of not more than $100, or by imprisonment for less than 1 year, and for every subsequent offense, by a fine of not less than $100, nor more than $500, or by imprisonment for not less than 60 days, nor more than 3 years. (R. S. c. 25, § 47.)

Sec. 61. Willful unauthorized use of genuine trade-mark.—Whoever willfully 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 $100, or by imprisonment for not more than 6 months; and, for a 2nd offense, shall be punished by a fine of not less than $50, nor more than $300; or by imprisonment for not less than 30 days, nor more than 11 months. (R. S. c. 25, § 48.)

Sec. 62. Willful unauthorized use of name or seal.—Whoever in any way willfully 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 $100, or by imprisonment for not more than 6 months; and for a 2nd offense shall be punished by a fine of not less than $50, nor more than $300, or by imprisonment for not less than 30 days, nor more than 11 months. (R. S. c. 25, § 49.)

Sec. 63. Prosecution of suits.—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. (R. S. c. 25, § 50.)

Boilers and Unfired Steam Pressure Vessels.

Sec. 64. Board of boiler rules.—The board of appeals, as heretofore established, shall be known as the "board of boiler rules," and shall consist of 5 members, 4 of whom shall be appointed by the commissioner, with the approval of the governor and council. At the expiration of their respective terms of office their successors shall be appointed for terms of 4 years each. In the event of a vacancy by reason of the death or resignation of any of said 4 appointed members, or otherwise, the commissioner shall fill such vacancy for the remainder of the term with a representative of the same class. Of these said 4 appointed members,

1 shall be a representative of the owners and users of steam boilers within this state, 1 a representative of the boiler manufacturers within this state, 1 a representative of the operating steam engineers in this state and 1 a representative of a boiler inspection and insurance company licensed to do business within the state. The 5th member shall be the commissioner of labor and industry, who shall be chairman of the board. The board shall meet at least twice yearly at the state capitol or other place designated by the board. (R. S. c. 25, § 51.)

Sec. 65. Expenses of members.—The 4 appointed members of the board of boiler rules shall serve without salary, and shall receive their actual expenses not to exceed their actual traveling expenses and hotel bills, and not to exceed 20 days in any year while in the performance of their duties as members of the board, to be paid in the same manner as in the case of other state officers. The chairman of the said board shall countersign all vouchers for expenditures under the provisions of this section. (R. S. c. 25, § 52.)

Sec. 66. Definitions.—As used in sections 64 to 79, inclusive, the following words shall have the following meanings:

"Approved" shall mean approved by the department.

"Code" shall mean the power boiler code of the Amercian Society of Mechanical Engineers.

"Deputy inspector" or "special inspector" shall mean a person holding a certificate of authority to inspect boilers within this state.

"Miniature boiler" shall mean a boiler as defined by the American Society of Mechanical Engineers' Code. (R. S. c. 25, § 53.)

Sec. 67. Rules and regulations.—The board shall formulate rules for the safe and proper construction, installation, repair, use and operation of steam boilers in this state. The rules so formulated shall conform as nearly as practicable to the boiler code of the American Society of Mechanical Engineers and amendments and interpretations thereto made and approved by the council of the society.

Rules formulated by the board shall become effective 90 days after the date they are adopted. Any change in the rules which would raise the standards governing the methods of construction of new steam boilers or the quality of material used in them shall not become effective until 6 months after the date of adoption of such change in the rules; provided, however, that before any rules or regulations are adopted, a public hearing shall be held, suitable notification to be published in at least 3 newspapers throughout the state. (R. S. c. 25, § 54.)

Sec. 68. Chief and deputy inspectors.—The commissioner shall appoint, with the approval of the governor and council, and may remove for cause when so appointed, a citizen of this state who shall have had, at the time of such appointment, not less than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boiler maker or boiler inspector, and who has passed the same kind of an examination as that prescribed for deputy and special inspectors in section 71 to be chief inspector at any time the office may become vacant. The present incumbent may serve until removed for cause as above provided.

The commissioner may likewise appoint such deputy inspectors as are necessary to carry out the provisions of sections 64 to 79, inclusive, from among applicants who have successfully passed the examination and hold certificates of competency provided for in section 71. (R. S. c. 25, § 55.)

Sec. 69. Powers of chief inspector.—The chief inspector is empowered:

I. To have free access for himself and his deputy or deputies during reasonable hours, to any premises in the state where a steam boiler is built or where a steam boiler or power plant apparatus is being installed or operated, for the pur-

pose of ascertaining whether such boiler is built, installed and operated in accordance with the provisions of sections 64 to 79, inclusive.

II. To issue, suspend and revoke inspection certificates allowing steam boilers to be operated, as provided in sections 64 to 79, inclusive.

III. To enforce the laws of the state governing the use of steam boilers and to enforce the rules of the board of boiler rules.

IV. To keep a complete record of the type, dimensions, age, conditions, pressure allowed upon, location and date of last inspection of all boilers to which sections 64 to 79, inclusive, apply.

V. To publish and distribute among boiler manufacturers and others requesting them, copies of the rules adopted by the board.

VI. To hold examinations and issue certificates of competency to inspectors who have successfully passed such examinations. (R. S. c. 25, § 56.)

Sec. 70. Special inspectors; duties.—In addition to any deputy boiler inspectors authorized and appointed under the provisions of section 68, the commissioner shall, upon the request of any company authorized to insure against loss from explosion of steam boilers in this state, issue to the boiler inspectors of such company certificates of authority as special inspectors, provided that each inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 71, or, in lieu of such examination, shall hold a certificate as an inspector of steam boilers for a state that has a standard of examination equal to that of this state, or a certificate from the national board of boiler and pressure vessel inspectors. Such special inspectors shall receive no salary from, nor shall any of their expenses be paid by, the state, and the continuance of a special inspector's certificate shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company duly authorized as aforesaid, and upon his maintenance of the standards imposed by the provisions of sections 64 to 79, inclusive. Such special inspectors shall inspect all steam boilers insured by their respective companies, and the owners or users of such insured boilers shall be exempt from the payment of the fees provided for in section 76. Each company employing such special inspectors shall within 30 days following each annual internal inspection made by such inspectors, file a report of such inspection with the chief inspector. (R. S. c. 25, § 57.)

Sec. 71. Deputy and special inspectors to be examined.—Examination for deputy and special inspectors shall be given by the chief inspector or by at least 2 examiners to be appointed by said chief inspector. The person to be examined must pay an examination fee of $10. Such examination must be written or part written and part oral, recorded in writing, and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform grade throughout the state. In case an applicant for an inspector's certificate of competency fails to pass this examination, he may appeal to the board of boiler rules for a 2nd examination, which shall be given by said board, or, by examiners other than those by whom the 1st examination was given and these examiners shall be appointed forthwith to give said 2nd examination. Upon the result of this examination on appeal, the board shall determine whether the applicant be qualified. The record of an applicant's examination, whether original or on appeal, shall be accessible to him and to his employer.

A certificate of competency may be revoked by the chief inspector of steam boilers for the incompetence or untrustworthiness of the holder thereof or for willful falsification of any matter or statement contained in his application or in a report of any inspection. A person whose certificate is revoked may appeal from the revocation to the board of boiler rules which shall hear the appeal and

either set aside or affirm the revocation and its decision shall be final. The person whose certificate has been revoked shall be entitled to be present in person and by counsel on the hearing of the appeal. If a certificate is lost or destroyed a new certificate shall be issued in its place without another examination. A person, who has failed to pass the examination or whose certificate of competency has been revoked, shall be entitled to apply for a new examination and certificate after 90 days from such failure or revocation. (R. S. c. 25, § 58. 1947, c. 277, § 1.)

Sec. 72. Inspection of boilers; certificates issued.—Each steam boiler used or proposed to be used within this state and all hot water heating boilers located in schoolhouses, except boilers exempt under the provisions of section 78, shall be thoroughly inspected internally and externally while not under pressure by the chief inspector or by one of the deputy inspectors or special inspectors provided for herein, as to its design, construction, installation, condition and operation; and if it shall be found to be suitable and to conform to the rules of the board of boiler rules, upon payment by the owner or user of such a boiler of the sum of $2 to the chief inspector, the latter shall issue to such owner or user an inspection certificate for each such boiler. Inspection certificates shall specify the maximum pressure that the boiler inspected may be allowed to carry. Such inspection certificate shall be valid for not more than 14 months from its date and it shall be posted under glass in the engine or boiler room containing such boiler or an engine operated by it, or, in the case of portable boiler, in the office of the plant where it is located for the time being. The chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in his opinion, the boiler for which it was issued may not continue to be operated without menace to the public safety or when the boiler is found not to comply with the rules herein provided for, and a special inspector shall have corresponding powers with respect to inspection certificates for boilers insured by the company employing him. Such suspension of an inspection certificate shall continue in effect until said boiler shall have been made to conform to the rules of the board and until said inspection certificate shall have been reinstated by a state inspector, if the inspection certificate was suspended by a state inspector, or by a special inspector if it was suspended by a special inspector. Not more than 14 months shall elapse between such inspections and there shall be at least 4 such inspections in 37 consecutive months. Each such boiler, except miniatures, shall also be inspected externally while under pressure with at least the same frequency and at no greater intervals. (R. S. c. 25, § 59. 1947, c. 277, § 2. 1951, c. 299. 1953, c. 319, § 1.)

Sec. 73. Temporary inspection certificates.—Whenever it shall appear to the commissioner that an emergency affecting public safety and welfare exists, the commissioner may authorize the chief inspector to issue a temporary inspection certificate for a period not exceeding 6 months after an inspection certificate shall have expired. A temporary inspection certificate may be issued without an internal inspection being made; provided, if the boiler is insured, the temporary inspection certificate shall not be issued until recommended in writing by the authorized inspector of the company insuring the boiler and by the chief inspector or one of his deputies; or, if the boiler is not insured, the temporary inspection certificate shall be recommended in writing by at least 2 authorized state inspectors. The provisions as to posting of the inspection certificate shall apply to the temporary inspection certificate. (1953, c. 305.)

Sec. 74. Inspection certificate.—It shall be unlawful for any person, firm, partnership or corporation to operate under pressure in this state a steam boiler to which sections 64 to 79, inclusive, apply without a valid inspection certificate as provided for in said sections. The operation of a steam boiler without an inspection certificate shall constitute a misdemeanor on the part of the owner or

user thereof and be punishable by a fine of not more than $100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. (R. S. c. 25, § 60.)

Sec. 75. Installation of new boilers.—No new steam boiler which does not conform to the rules formulated by the board of boiler rules governing new installations shall be installed in this state.

All new boilers to be installed shall be inspected during construction by an inspector authorized to inspect boilers in this state, or, if constructed outside the state, by an inspector holding a certificate of authority from the chief inspector of this state or an inspector who holds a certificate of inspection issued by the national board of boiler and pressure vessel inspectors. (R. S. c. 25, § 61.)

Sec. 76. Inspection charge.—The owner or user of a steam boiler, required by the provisions of sections 64 to 79, inclusive, to be inspected by the chief inspector or his deputy inspectors, shall pay the inspector upon inspection $10. For the internal and external inspection of a boiler while not under pressure having a grate area of more than 10 square feet or equivalent, the fee shall be $10 and, in addition, 10c for every square foot of grate area in excess of 10 square feet or equivalent. In cases of a specially designed boiler wherein no grate area exists, the board is authorized to set the fee on the basis of the maximum horsepower that can be generated. For the external inspection of a boiler while under operation conditions, the fee shall be $3. For the inspection of a miniature boiler, the fee shall be $3. For a hydrostatic test of any boiler except miniature boilers, a fee of $5 shall be charged in addition to the inspection fees hereinbefore provided for; provided that not more than $20 shall be collected for such inspection of any 1 boiler made for any 1 year exclusive of the fee for hydrostatic test unless additional inspections are required by the owners or users of the same or unless the boiler has been inspected and a certificate has been refused, withheld or withdrawn, or unless an additional inspection is required because of the change of location of a stationary boiler. The type and size of the miniature boiler to be inspected shall be determined by the board of boiler rules. The inspector shall give receipts for said fees and shall pay all sums so received to the chief boiler inspector, who shall pay the same to the commissioner, who shall turn same over to the treasurer of state to be credited to the general fund. (R. S. c. 25, § 62. 1945, c. 297, § 4. 1947, c. 277, § 3. 1949, c. 349, § 51.)

Sec. 77. Application of §§ 64 to 79 to boilers now in use.—The provisions of sections 64 to 79, inclusive, shall not be construed as in any way preventing the use or sale of steam boilers in this state which shall have been installed or in use in this state prior to July 6, 1935, and which shall have been made to conform to the rules of the board of boiler rules governing existing installations and which shall have been inspected as provided for in section 72. (R. S. c. 25, § 63.)

Sec. 78. Exemptions.—The provisions of sections 64 to 79, inclusive, shall not apply to boilers which are under federal control; or those under the control of the public utilities commission; or to boilers used solely for propelling motor road vehicles; or to boilers of steam fire engines brought into the state for temporary use in times of emergency to check conflagrations; or to boilers used for agricultural purposes only; or to steam heating boilers, except boilers located in schoolhouses, which carry pressures not exceeding 15 pounds per square inch, constructed and installed in accordance with the rules adopted by the board of boiler rules; or to miniature boilers exempt by the provisions of section 76. (R. S. c. 25, § 64. 1953, c. 319, § 2.)

Sec. 79. Chief and deputy inspectors to furnish bond.—The chief inspector and each deputy inspector shall furnish such bond as may be required by law. (R. S. c. 25, § 65.)

Sec. 80. Registration of certain steam boiler or unfired steam pressure vessels; registered boilers stamped.—No steam boiler or unfired steam pressure vessel subjected to a pressure of over 15 pounds to the square inch shall be operated in this state unless such boiler or unfired steam pressure vessel shall have been registered in the office of the department, upon blanks to be furnished by said department upon request, such blanks to contain information regarding maker's name, type of construction, date of construction, age, location and when last inspected, and such other information as may be required by said department.

After a steam boiler has been registered in the department, said department shall furnish, and the owner or user shall stamp or have stamped a number as given, on the shell of the boiler in the space commonly used for such purposes, with letters and figures not less than ⅜ of an inch high. Any person, firm or corporation who fails to so stamp or obliterates or covers such numbers shall be punished by a fine of not more than $100.

Whoever fails to so register any steam boiler or unfired steam pressure vessel shall be punished by a fine of $10.

In case a boiler or unfired steam pressure vessel, subject to the provisions of this section, is moved from one location to another, notice shall be given the department of such removal and of the new location in which the boiler is to be set up.

The provisions of this section shall not apply to boilers subject to federal inspection and control, or to boilers used in steamboats, or those under the control of the public utilities commission or boilers used in automotive vehicles. (R. S. c. 25, § 66.)

Sec. 81. Inspection reports.—In case a boiler is insured and inspected by a duly accredited insurance company licensed to do business in this state, a copy of the record of each internal inspection of such boiler shall be filed with the department.

In case an insurance company cancels insurance upon any steam boiler carrying over 15 pounds gauge pressure or the policy expires and is not renewed, notice shall immediately be given the department. Any insurance company shall likewise notify said department immediately upon the placing of insurance on such boiler. (R. S. c. 25, § 67.)

Sec. 82. Condemned vessels stamped.—Every steam boiler or unfired steam pressure vessel condemned in this state shall be stamped in the following manner, "XXX Me.," and the department shall immediately be notified of such condemnation.

The stamp "XXX Me." placed on condemned boilers shall be made across the registration mark or number of the boiler, or if the boiler has no registration mark or number, a stamp shall be placed in the location of this mark as determined by the rules of the American Society of Mechanical Engineers boiler code.

The stamping shall be done with individual letters, driven into the plate so far as to thoroughly cancel any previous registration and shall be made with letters at least ⅜ of an inch high.

Any person who obliterates such condemnation mark shall be punished by a fine of not less than $100.

The laws and regulations of the American Society of Mechanical Engineers boiler code shall be used in all mathematical computations necessary to determine the safety of a boiler. (R. S. c. 25, § 68.)

Sec. 83. Operation of condemned vessels.—No steam boiler or unfired steam pressure vessel that has been condemned for further use in this or any other state by an authorized boiler inspector employed by an insurance company

or by an inspector authorized to inspect boilers by a state or the federal government shall be operated in this state at a gauge pressure of over 15 pounds.

Whoever operates a boiler in violation of the provisions of this section shall be punished by a fine of not less than $100. (R. S. c. 25, § 69.)

Sec. 84. Welding on boilers; certificates for welders.—No journeyman welder performing welding work for hire shall make welding repairs to any steam vessel which carries a steam pressure of more than 15 pounds per square inch without first receiving authorization to do so from the chief boiler inspector, provided that the foregoing provision shall not apply to persons who hold certificates or standing authorization from the board of boiler rules.

The board of boiler rules is authorized to make, amend or rescind reasonable rules and regulations relating to qualifications of journeyman welders performing welding for compensation and is further empowered to conduct examinations, issue certificates and to charge a reasonable fee for such examinations and for such certificates.

Any person violating the provisions of this section may be punished by a fine of not more than $100. (1953, c. 343.)

Sec. 85. Steam heating plants.—Whenever any school building, church or other public building is heated by a steam plant located in, under or near such building, such steam plant shall be in charge of a person qualified as provided in the following section. (R. S. c. 25, § 70.)

See § 88, re penalty.

Sec. 86. Applicant examined by municipal officers; certificate; filing.—The municipal officers of any town or city, in which any of the buildings enumerated in the preceding section, heated by steam, are located, shall require the person or persons contemplating taking charge of the steam plant for such purpose, to appear before them, and they shall require him to produce before them satisfactory evidence of his competency to have charge of such steam plant; and unless the person so applying has been licensed as an engineer, or has had previous experience as a machinist or as an engineer of a steam plant, he shall be required to satisfy said municipal officers that he possesses the requisite qualifications and experience to assume charge of the particular plant which he desires permission to operate; and if said municipal officers, after such examination, are satisfied that the applicant possesses the requisite qualifications for such work and is of temperate habits, they or the majority thereof shall issue under their hands a certificate in the following form:

"STATE OF MAINE.

City (or) Town of

This is to certify that having made application to the municipal officers of the city (or town) of , for permission to take charge of, and operate a steam plant located in said city (or town), (here describe the nature of the steam plant of which the applicant is authorized to have charge, and its location); and having produced evidence of his competency to act in said capacity, we have issued to him this certificate as provided by section 86 of chapter 30 of the revised statutes."

Said certificate when issued shall be filed in the office of the city or town clerk, and such clerk shall issue and deliver to said applicant a duly attested copy of such certificate, and the copy so issued shall be posted by the holder thereof, in a conspicuous place in or near the room in which the boiler to be operated is located. Municipal officers shall not issue the certificate provided for by this section without receiving proof that the person to whom such certificate is issued has had experience in such work, and is in all respects qualified to discharge the duties referred to in the certificate granted, and is also of temperate habits. (R. S. c. 25, § 71.)

See § 88, re penalty.

Sec. 87. Duty of municipal officers when notice is received that person in charge of steam heating plant is incompetent.—Whenever the municipal officers of any town or city receive notice in writing, signed by 10 or more of the residents thereof, stating that the person in charge of a steam plant located in, under or near any school building, church or other public building situated in said city or town, and furnishing or supplying heat for such building, is incompetent for the discharge of such duties, or by reason of negligence, intemperance or any other cause ought not longer to remain in charge of such steam plant, said municipal officers shall immediately suspend temporarily the authority of such person to act in said capacity; and, until the investigation herein provided can be made, shall cause a person qualified as provided by the preceding section to be placed in charge of said steam plant. The municipal officers shall, as soon thereafter as practicable, cause an investigation of such complaint to be made, and shall thereupon inquire into the habits and qualifications of the person so complained of, and if such person is, for any reason, found to be incompetent or unsuitable to longer remain in charge of said steam plant, they shall immediately cause the certificate granted under the provisions of the preceding section to be revoked, and notice of such revocation shall be filed with the clerk of such city or town; and thereupon said municipal officers shall, if such plant is under their control, place a person qualified as herein provided in charge thereof; and if such steam plant is not in charge of such municipal officers, they shall give the person or corporation having the control of such steam plant notice of their findings, and if such person or corporation having control of such steam plant shall, after receipt of such findings, neglect or refuse to cause said steam plant to be placed in charge of some person qualified under the provisions of the preceding section, such person or corporation shall be subject to the penalties provided in the following section. (R. S. c. 25, § 72.)

See § 88, re penalty.

Sec. 88. Penalty.—Whoever violates any provision of the 3 preceding sections shall be punished by a fine of not more than $50, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (R. S. c. 25, § 73.)

Compressed Air Work.

Sec. 89. Compressed air labor.—The following rules and regulations shall apply to all construction work in the prosecution of which men are required or permitted to labor in tunnels or caissons in compressed air. (R. S. c. 25, § 74.)

Sec. 90. Department notified.—No such work in compressed air shall be started until 7 days after the firm, corporation, commission or person undertaking such work has notified in writing the department of such contemplated work. (R. S. c. 25, § 75.)

Sec. 91. Representative of employer to be present at work.—Whenever the construction work is in progress, there shall be present at all times at least 1 competent person representing the employer, or in case the work is done by contract, the contractor who employs the men or a person representing him, who shall in all respects be responsible for full compliance with these regulations and who shall have authority to require all employees to comply with such regulations. (R. S. c. 25, § 76.)

Sec. 92. Daily inspection reported to department.—In every tunnel or section thereof, or other work requiring the use of compressed air as covered by these regulations, there shall be a competent person designated by the person in charge to make a regular inspection once every working day of all tunneling appliances, boilers, engines, compressors, magazines, shaft houses, explosives, locks, lighting circuits and gauges, and it shall be his duty to report in writing

to the person designating him, on forms approved by the department, the result of these inspections, which shall remain on file and shall be subject to the inspection of the department or its representatives. (R. S. c. 25, § 77.)

Sec. 93. Pressure, shifts and intervals.—The working time in any 24 hours shall be divided into 2 shifts under compressed air with an interval in open air. The minimum rest interval in open air shall not begin until the employee has reached the open air. Persons who have not previously worked in compressed air shall work therein but 1 shift during the first 24 hours. No person shall be subjected to pressure exceeding 50 pounds per square inch except in emergency. The maximum number of hours to each shift and minimum open air interval between the shifts during any 24 hours for any pressure, as given in columns 1 and 2 of the following table, shall be that set opposite such pressure in columns 3, 4, 5 and 6. (R. S. c. 25, § 78.)

Sec. 94. Pressure shifts and intervals of work for each 24-hour period.—

Gauge pressure per square inch			Hours		
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6
Min. number of pounds	Max. number of pounds	Max. total	Max. first shift in compressed air	Min. rest interval in open air	Max. 2nd shift in compressed air
Normal	18	8	4	½	4
18	26	6	3	1	3
26	33	4	2	2	2
33	38	3	1½	3	1½
38	43	2	1	4	1
43	48	1½	¾	5	¾
48	50	1	½	6	½

The employer may determine the time of each shift when the pressure is less than 18 pounds, provided that the total for the 2 shifts does not exceed 8 hours. (R. S. c. 25, § 79.)

Sec. 95. Decompression.—No person employed in compressed air shall be permitted to pass from the place in which the work is being done to normal air, except after decompression in the intermediate lock as follows:

A stage decompression shall be used in which a drop of ½ of the maximum gauge pressure shall be at the rate of 5 pounds per square inch per minute. The remaining decompression shall be at a uniform rate and the total time of decompression shall equal the time specified for the original maximum pressure.

I. Where the air pressure is greater than normal and less than 15 pounds to the square inch, decompression shall be at the minimum rate of 3 pounds per minute.

II. Where the air pressure is 15 pounds or over and less than 20 pounds to the square inch, decompression shall be at the minimum rate of 2 pounds per minute.

III. Where the air pressure is 20 pounds or over and less than 30 pounds to the square inch, decompression shall be at the minimum rate of 3 pounds every 2 minutes.

IV. Where the air pressure is 30 pounds or over to the square inch, decompression shall be at the minimum rate of 1 pound per minute.

The time of decompression shall be posted in each man lock. (See form.) (R. S. c. 25, § 80.)

Sec. 96. Decompression lock.—The decompression lock shall be in charge

of a special employee whose duty it shall be to be in attendance at the lock during the periods of decompression and to regulate the valves controlling the supply of air and the rate of pressure. (R. S. c. 25, § 81.)

Sec. 97. Record kept.—A record of the men employed under air pressure shall be kept. This record shall show the period of stay in the air chamber of each employee and the time taken for decompression. (R. S. c. 25, § 82.)

Sec. 98. Recording gauge used in certain cases.—When the pressure exceeds 17 pounds to the square inch, when practicable to do so, a recording gauge to show the rate of decompression shall be attached to the exterior of each man lock. The dial shall be of such size that the amount of rise or fall in the air pressure, within any 5 minutes, shall be readily shown.

There shall be on the outer side of each working chamber at least 1 back pressure gauge, which shall be accessible at all times and shall be kept in accurate working order. Additional fittings shall be provided so that test gauges may be attached at all necessary times. Back pressure gauges shall be tested every 24 hours and a record kept of such test.

A competent man shall be placed in charge of the valves and gauges which regulate and show the pressure in the working chamber. (R. S. c. 25, § 83.)

Sec. 99. Temperature, lighting and sanitation.—The following provisions shall be observed in the conduct of air pressure work:

I. The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained constantly at a temperature not to exceed 85° Fahrenheit.

II. All lighting in compressed air chambers shall be by electricity only; nothing herein contained shall be construed to prohibit men from carrying candles or other emergency lights for leaving the tunnels in case of breakdown of the lighting system. Lighting in tunnels and working chambers shall be supplied when practicable from a different circuit from that supplying light in the shaft.

III. All passages shall be kept clear and properly lighted.

IV. No nuisance shall be tolerated in the air chamber and smoking shall be strictly prohibited. No animal of any kind for any purpose shall be permitted in air chambers. (R. S. c. 25, § 84.)

Sec. 100. Compression plants.—A good and sufficient air plant for the compression of air shall be provided to meet not only ordinary conditions, but emergencies, and to provide margin for repairs at all times. The plant shall be capable of furnishing to each working chamber a sufficient air supply for all pressures to enable work to be done as nearly as possible in the dry.

Duplicate air feed pipes shall be installed on all caissons. (R. S. c. 25, § 85.)

Sec. 101. Air supply, etc.—The air supply pipe shall be carried to and within 100 feet of the face of tunnel or caisson. The air when working in ground that is likely to be gas bearing, or in tunnels in which there is liability for a large amount of dead air, shall be analyzed at least once in every 24 hours and the record of such analysis shall be kept at the medical officer's office. The amount of CO_2 shall never exceed 1 part in 1,000.

Exhaust valves shall be operated at intervals, especially after a blast. The men shall not be permitted to resume work after a blast until the smoke and gas have cleared sufficiently. There shall be suitable means of communicating at all times between the working chamber, the outside thereof and the powerhouse on the surface. (R. S. c. 25, § 86.)

Sec. 102. Shafts, etc.—Whenever a shaft is used, such shaft shall be provided, where space permits, with a safe, proper and suitable staircase for its entire

length, with landing platforms not more than 20 feet apart. Where this is impracticable, suitable ladders shall be installed, subject to the approval of the commissioner or his representative.

Shafts shall be subject to a hydrostatic pressure of 60 pounds per square inch, at which pressure they shall be made absolutely tight and stamped on the outside shell about 12 inches from each flange, showing the pressure to which they have been subjected.

All man shafts shall be properly lighted, as required by the commissioner or his representative.

Locks, reducers and shafting used in connection with caissons shall be riveted construction throughout. The material used in the manufacture shall be not less than ¼ inch steel plate.

All necessary instruments shall be attached to all caissons and air locks, showing the actual air pressure to which men employed therein are subjected. They shall include pressure gauge, timepiece and thermometer, and shall be accessible to and in charge of a competent person and kept in accurate working order.

All outside caisson air locks shall be provided with a platform not less than 42 inches wide and provided with a guardrail 42 inches high.

All caissons, whether circular, square or rectangular in form, in which more than 15 men are employed, shall be provided with not less than 2 locks and shafts at least 1 of which is to be equipped with a timepiece and gauge, to be heated to 70° Fahrenheit during the months when heating is necessary, with valves so arranged that the lock can be operated from within and without.

Locks shall be so located that the distance between the bottom door and water level shall be no less than 3 feet. (R. S. c. 25, § 87.)

Sec. 103. Medical regulations for workers.—Any person or corporation, carrying on any construction work in tunnels or caissons in the prosecution of which men are employed or permitted to work in compressed air, shall, while such men are so employed, also employ and keep in employment one or more duly qualified physicians or persons who have had experience in first aid in compressed air work and approved by the commissioner to act as medical officer or officers, who shall be in attendance at all times while such work is in progress so as to guarantee constant medical supervision of men employed in compressed air work. Such medical officer shall also be charged with the duty of enforcing the following regulations:

I. No person shall be permitted to work in compressed air until after he has been examined by such medical officer and reported by such officer to the person in charge thereof as found to be qualified, physically, to engage in such work.

II. No person not having previously worked in compressed air shall be permitted during the first 24 hours of his employment to work for longer than ½ day period as provided in rules for compressed air work adopted by the department, and after so working shall be reexamined and not permitted to work in a place where the gauge pressure is in excess of 15 pounds unless his physical condition be reported by the medical officer, as heretofore provided, to be such as to qualify him for such work.

III. In the event of absence from work, by an employee, for 10 or more successive days for any cause, he shall not resume work until he shall have been reexamined by the medical officer and his physical condition reported, as heretofore provided, to be such as to permit him to work in compressed air.

IV. No person known to be addicted to the excessive use of intoxicants shall be permitted to work in compressed air.

V. After a person has been employed continuously in compressed air for a period of 2 months, he shall be reexamined by the medical officer; and he shall

not be allowed, permitted or compelled to work until such examination has been made and he has been reported, as heretofore provided, as physically qualified to engage in compressed air work.

VI. Such medical officer shall at all times keep a complete and full record of examinations made by him, which record shall contain dates on which examinations are made and a clear and full description of the person examined, his age and physical condition at the time of examination, including height and weight, also a statement as to the time such person has been engaged in like employment. This medical officer shall also keep an accurate record of any caisson or other disease incapacitating any person for work that shall occur in the operation of a tunnel, caisson or other compartment in which compressed air is used; also a record of all loss of life that shall occur in the operation of a tunnel, caisson or other compartment in which compressed air is used. These records shall be open to the inspection of the department or its representatives, and a copy thereof shall be forwarded to the department within the 48 hours following the occurrence of the accident, death, injury or caisson disease, stating as fully as possible the cause of such death, or caisson or other disease, and the place where the injured or sick person has been taken, and such further information relative thereto as may be required by said department.

VII. All men shall have individual lockers of reasonable size, preferably metal lockers.

A separate dry room shall be provided where working clothes may be dried within reasonable time. This room shall be well heated.

One shower bath fitted with regulating valves shall be provided for every 8 men coming off shift.

One basin and stopper shall be provided for every 8 men coming off shift. Running water shall be supplied.

One toilet and 1 urinal shall be provided for every 20 men employed on each shift, and protection from the weather shall be afforded.

A sufficient amount of hot and cold water shall be supplied at all times.

A minimum temperature of 70° Fahrenheit shall be maintained at all times in wash and dressing rooms.

A sufficient supply of hot coffee and sugar shall be supplied to men working in compressed air at the termination of shifts and during rest periods. Coffee shall be heated by means other than direct steam. Coffee containers and cups shall be kept in a clean and sanitary condition at all times. All containers shall be kept covered at all times.

VIII. Whenever compressed air work is carried on during the period from October 1st to April 1st, a covered passageway shall be provided from the opening into the caisson or tunnel to the lockers or dressing rooms of the employees if practicable, and if not, heated blankets or outer clothing shall be furnished.

IX. A medical lock at least 6 feet in height shall be established and maintained in connection with all work in compressed air. Such lock shall be kept properly heated, lighted and ventilated, and shall contain proper medical and surgical equipment. Such lock shall be in charge of the medical officer. Such lock shall be divided into 2 compartments. Each door shall be provided with a bull's-eye and fitted with air valves so arranged as to be operated from within and without.

The patient's chamber in the medical air lock shall be so arranged that the patients may be kept under constant observation through a non-shatterable glass window without the necessity of the attendant entering the chamber.

X. An identification badge, to be approved by the department, shall be furnished to all employees, advising police officials that the employee is a com-

pressed air worker, stating the location of medical lock and stating that in cases of emergency an ambulance surgeon shall remove the patient to the medical lock and not to the hospital. (R. S. c. 25, § 88.)

Sec. 104. Daily inspection of all apparatus.—While work is in progress, a competent person designated therefor shall make a regular inspection at least once every working day of all engines, boilers, steam pipes, drills, air pipes, air gauges, air locks, dynamos, electric wiring, signaling apparatus, brakes, cages, buckets, hoists, cables, ropes, timbers, supports and all other apparatus and appliances; and he shall, immediately upon discovery of any defect, report the same in writing to the person present in charge. (R. S. c. 25, § 89.)

Sec. 105. Travel on inclines or shaft.—No employee shall ride on any loaded car, cage or bucket, nor walk up or down any incline or shaft while any car, cage or bucket is above. (R. S. c. 25, § 90.)

Sec. 106. Exhaust valves.—Exhaust valves shall be provided, having risers extending to the upper part of chamber, if necessary, and shall be operated at such times as may be required and especially after a blast, and men shall not be required to resume work after a blast until the gas and smoke have cleared. (R. S. c. 25, § 91.)

Sec. 107. Explosives.—Only experienced men who have been selected and regularly designated by the engineer or superintendent in charge and whose names have been posted in the field office or at the magazine shall handle, transport, prepare or use dynamite or other high explosives.

I. The composition of explosives shall be such as to cause the least amount of injurious gases.

II. All explosives shall be stored in a magazine provided for that purpose, and located far enough from the working shaft, tunnel, boiler house or engine room so that in case the whole quantity should be exploded there would be no danger, and all explosives in excess of what are needed for 1 shift shall be kept in the magazine. Such magazine should be fireproof, and so constructed that a modern rifle or pistol bullet cannot penetrate it. A suitable place for thawing powder shall be provided and kept in condition for use. The thawing should be done by the hot water or steam bath method; the use of dry heat is absolutely prohibited. A receptacle for carrying explosives shall not be kept in the same room. A suitable place separated from tunnel or caisson, boilers or engine room shall be provided for preparing charges. One man shall have full charge of the magazine.

If the conditions under which the work is being performed make it necessary for the storage of explosives in tunnel or caisson, permission may be granted by the department or its representatives on application of the engineer in charge of the work with good and sufficient reasons; then only in quantities sufficient for 1 blast. This certificate shall prescribe the limits to the amount of explosives allowed in the tunnels or caissons at any 1 time and shall expire after being used.

Explosives and detonators shall be taken separately into the caisson.

After blasting is completed, all explosives and detonators shall be returned at once to the magazine, observing the same rules as when conveyed to the work.

III. Detonators shall be inserted in the explosives only as required for each round of blasting. Detonators shall not be inserted in the explosives without first making a hole in the cartridge with a sharpened stick. No holes shall be loaded except those to be fired at the next round of blasting. All explosives remaining after loading a round must be removed from the caisson before any wires are connected. Blaster shall use only hard wood rods for tamping and

he shall not tamp or load any hole with a metal bar, nor shall the wooden rod have any metal parts.

All lights used when loading shall be of an enclosed type. If electric flash lamps are used, they shall be so constructed that it will not be possible to obtain a difference of potential between any 2 points on the outside of the lamp casing.

IV. There shall be 1 blaster in charge of blasting and he shall enforce his orders and directions and personally supervise the fixing of all charges and all other blasting operations and shall use every precaution to insure safety.

When firing by electricity from power or lighting wires, a proper switch shall be furnished with lever down when "off."

The switch shall be fixed in a locked box to which no person shall have access except the blaster. There shall be provided flexible leads or connecting wires not less than 5 feet in length with 1 end attached to the incoming lines and the other end provided with plugs that can be connected to an effective ground. After blasting, the switch lever shall be pulled out, the wires disconnected and the box locked before any person shall be allowed to return, and shall remain locked until again ready to blast.

In the working chamber all electric light wires shall be provided with a disconnecting switch, which must be thrown to disconnect all current from the wires in the working chamber before electric light wires are removed or the charge exploded.

The blaster shall cause a sufficient warning to be sounded and shall be responsible that all persons retreat to safe shelter, before he sets off a blast, and shall also see that no one returns until he reports it safe for him to do so.

He shall report to the foreman the names of all persons refusing to obey his caution.

V. After the blast is fired, loosened pieces of rock shall be scaled from the sides of the excavation and after the blasting is completed, the entire working chamber shall be thoroughly scaled.

VI. The foreman in charge shall inspect the working chamber and have all loose rock or ground removed and the chamber made safe before proceeding with the work.

VII. Drilling must not be started until all remaining butts of old holes are examined for unexploded charges. (R. S. c. 25, § 92.)

Sec. 108. Signal codes.—Any code of signals used shall be printed and copies thereof, in such languages as may be necessary to be understood by all persons affected thereby, shall be kept posted in a conspicuous place near entrances to work places and in such other places as may be necessary to bring them to the attention of all persons affected thereby.

Effective and reliable signaling devices shall be maintained at all times to give instant communication between the bottom and top of the shaft.

The following code of signals shall be used for the operation of any car, cage or bucket:

1 bell—stop if in motion or hoist if not in motion.
2 bells—lower.
3 bells—run slowly and carefully.

On all work in compressed air, where the whistle and repeating rap are used, the following code shall be used:

1 whistle or rap—hoist.
1 whistle or rap with a rattle—hoist slowly.
2 whistles or raps—come to stop at once.

3 whistles or raps with a rattle—lower slowly.
4 whistles or raps—open high pressure.
4 whistles or raps with a rattle—shut off high pressure.
5 whistles or raps—call person in charge.
6 whistles or raps—lights are out.
7 whistles or raps—lights are all right.
8 whistles or raps—emergency call.

In all cases reply signals, repeating the original signals, must be made before proceeding.

Additional signals to meet local conditions may be adopted.

The minimum size of type to be used in notices shall be not less than 1 inch in height. (R. S. c. 25, § 93.)

Sec. 109. Caissons braced.—All caissons shall be properly and adequately braced before loading with concrete or other weight. (R. S. c. 25, § 94.)

Sec. 110. Fire prevention. — All reasonable precaution shall be taken against fire hazards and such regulations as may be prescribed by the commissioner for protection against fire shall be promptly complied with. (R. S. c. 25, § 95.)

Sec. 111. Applicable sections of labor law posted.—Copies of such sections of the labor law as apply shall be furnished by the department to the person in charge and posted by him in a conspicuous place at the entrance to each work place. (R. S. c. 25, § 96.)

Sec. 112. Definitions.—Whenever in sections 89 to 111, inclusive, the words "adequate," "suitable," "proper" or "safe" are used, they shall be understood to mean adequate, suitable, proper or safe in the opinion of the department. (R. S. c. 25, § 97.)

Sec. 113. Regulations suspended or modified.—The regulations prescribed in sections 89 to 112, inclusive, may be modified or suspended in whole or in part by the commissioner, if good and sufficient reason therefor is presented to the department at a hearing where all parties are given an opportunity to be present or represented. (R. S. c. 25, § 98.)

Sec. 114. Penalty. — Whoever violates any reasonable rule, regulation, order or requirement made by the department under authority of the provisions of sections 91 to 113, inclusive, shall be punished by a fine of not more than $100. (R. S. c. 25, § 99.)

Board of Elevator Rules and Regulations.

Sec. 115. Establishment and purpose; membership; classification; terms; salary and expenses.—The purpose of the board of elevator rules and regulations, as heretofore established, is to govern and control the construction, installation, alteration, repair, use, operation and inspection of elevators, in order to provide for reasonable personal, material and public safety in connection with the use of such elevators. The said board shall consist of 5 members, of whom 3 shall be appointed to membership by the commissioner, subject to the approval of the governor and council. Each member shall hold office until his successor is duly appointed. At the expiration of each member's term, his successor shall be appointed by the commissioner, subject to the approval of the governor and council, from the same classification in accordance with the provisions of this section for a term of 4 years. In case of a vacancy in board membership, the commissioner, with the approval of the governor and council, shall appoint a

member of the proper classification to serve the term of the absent member. Of the 3 appointed members of the board, 1 shall be a representative of owners or lessees of elevators within the state; 1 shall be a representative of manufacturers of elevators; 1 shall be a representative of insurance companies licensed to insure elevators in the state. The 4th member of the board shall be the insurance commissioner and the 5th member of the board shall be the commissioner of labor and industry, who shall also be chairman of the board.

The board shall meet at least twice yearly at the state capitol or any other place designated by the chairman.

The 3 appointed members of said board shall serve without salary and shall receive their actual expenses while engaged in the performance of their duties as members of said board, such expenses to be paid in the same manner as in the case of other state officers. The chairman of said board shall approve and countersign all vouchers for expenditures under the provisions of this section. (1949, c. 374.)

Sec. 116. Definitions.—Under the provisions of sections 115 to 131, inclusive, the following words shall have the following meanings:

"Approved" shall mean as approved by the board of elevator rules and regulations.

"Authorized elevator inspector" shall mean an individual authorized by the commissioner to examine and inspect elevators and may be a person in the employ of an elevator company doing business in this state or a person in the employ of an insurance company licensed to insure against loss from elevator accidents in the state.

"Board" shall mean the board of elevator rules and regulations.

"Commissioner" shall mean the commissioner of labor and industry.

"Elevator" shall mean a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term "elevator" shall not include a dumb-waiter, endless belt, conveyor, chain or bucket hoist or temporary devices used for the primary purpose of elevating or lowering building materials, nor shall it include tiering, piling, feeding or other machines or devices giving service within only 1 story.

"Freight elevator" shall mean an elevator used for carrying freight and on which only the operator and the persons necessary for loading and unloading are permitted to ride.

"Passenger elevator" shall mean an elevator that is used to carry persons other than the operator and persons necessary for loading and unloading.

"State elevator inspector" shall mean an individual in the employ of the state whose duties shall be the examination and inspection of elevators under the direction of the commissioner. (1949, c. 374. 1953, c. 302.)

Sec. 117. Duties and powers of the board.—The board shall formulate reasonable rules and regulations for the safe and proper construction, installation, alteration, repair, use, operation and inspection of elevators in the state. The rules and regulations so formulated shall conform as far as practicable to the standard safety code for elevators as approved by the American Standards Association. Such rules and regulations shall become effective 90 days after the date they are adopted, except that rules and regulations applying to the construction of new elevators shall not become effective until 6 months after the date they are adopted; provided, however, that before any rules or regulations are adopted, a public hearing shall be held after suitable notice has been published in at least 3 daily newspapers within the state. (1949, c. 374.)

Sec. 118. Supervising and state elevator inspectors.—The commissioner shall appoint, with the approval of the governor and council, and may re-

move for cause when so appointed, a citizen of the state qualified to fulfill the functions of the office to serve as supervising inspector, after he shall have successfully passed an examination prescribed by the board. The commissioner may appoint such state elevator inspectors as are necessary to carry out the provisions of sections 115 to 131, inclusive, from among applicants who successfully pass the examination. (1949, c. 374.)

Sec. 119. Powers of the commissioner and the supervising inspector.—The commissioner shall be empowered to investigate all elevator accidents which result in either a lost time injury to a person or in damage to the installation.

Under the direction of the commissioner, the supervising inspector shall be empowered:

I. To enforce the laws of the state governing the use of elevators and to enforce adopted rules and regulations of the board;

II. To have free access for himself and the state elevator inspectors at all reasonable times to any premises in the state where an elevator is installed or is under construction for the purpose of ascertaining whether such elevator is installed, operated, repaired or constructed in accordance with the provisions of sections 115 to 131, inclusive;

III. To allocate and supervise the work of elevator inspectors;

IV. To keep a record of the type, dimensions, age, conditions and location and date of last inspection of all elevators to which sections 115 to 131, inclusive, apply;

V. To issue, suspend and revoke certificates allowing elevators to be operated;

VI. To hold examinations, and to establish the fitness of applicants to become elevator inspectors, and upon authorization by the board, to issue certificates of authority to those persons who have successfully passed such examinations and are approved by the board as authorized elevator inspectors;

VII. To publish and distribute among owners, lessees, elevator manufacturers, elevator repair companies and others requesting them, copies of the rules as adopted by the board. (1949, c. 374.)

Sec. 120. Certificates of authority; authorized inspectors; duties.—In addition to any state elevator inspector appointed under the provisions of section 118, the commissioner shall, upon the request of any company licensed to insure against loss from elevator accident in this state, issue to any elevator inspector of such company a certificate of authority as an authorized elevator inspector, provided that each such inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 121 or in lieu of such examination shall hold a certificate as an inspector of elevators in a state that has a standard of examination equal to that in this state. The commissioner shall also upon request from any elevator company doing business in this state issue to any employee designated by the requesting company a certificate of authority as an authorized elevator inspector, provided that each such inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 121. An authorized inspector appointed under the provisions of this section shall receive no salary from the state and have no expenses paid by the state and continuance of such authorized inspector's certificate of authority shall be conditioned upon his continuing in employment as an elevator inspector by such insurance company, or in employment by such

elevator company, as the case may be, and upon his maintenance of the standards imposed by the provisions of sections 115 to 131, inclusive. Such authorized inspectors shall inspect all elevators insured or maintained by their respective companies, and the owners or users of such elevators shall be exempt from the payment of the fees for the periodic inspections provided in section 125. Each company employing such an authorized inspector shall within 15 days following each legally required inspection made by an authorized inspector file a report of such inspection with the supervising inspector.

The certificate of authority may be revoked by the supervising inspector of elevators for incompetence or untrustworthiness of the holder thereof or willful falsification of any matter or statement contained in his application or in a report of any inspection. A person whose certificate of authority is revoked may appeal from the revocation to the board of elevator rules and regulations, which shall hear the appeal and either set aside or affirm the revocation, and its decision shall be final. The person whose certificate has been revoked is entitled to be present in person and by counsel on the hearing of the appeal. When a certificate of authority has been revoked for incompetence, the inspector may be reinstated by the board upon his passing a special examination and upon his furnishing such further proof as the board may require. Application for reinstatement may not be made within 90 days of revocation. When a certificate of authority has been revoked on the proof of untrustworthiness or willful falsification, no reinstatement of a certificate of authority can be granted, except by unanimous approval of the board.

If a certificate is lost or destroyed, a new certificate shall be issued in its place without another examination and on the payment of a fee to be prescribed by the board. (1949, c. 374.)

Sec. 121. State and authorized inspectors to be examined.—Examination for the state and authorized inspectors shall be given by the supervising inspector, or by 2 or more examiners to be appointed by the supervising inspector. The person to be examined must pay an examination fee of $10. Such examination must be written in part or in whole, and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform grade throughout the state. In case an applicant for a certificate of authority fails to pass this examination, he may appeal to the board for a 2nd examination within 90 days of notification of his failure to pass and such 2nd examination shall be given without further fee by the board or by examiners other than those by whom the first examination was given. Upon the result of this 2nd examination, the board shall determine whether or not the applicant is qualified.

The record of the applicant's examination, whether original or on appeal, shall be accessible to him and his employer. The examinations must be kept on file in the office of the supervising inspector for a period of not less than 2 years. (1949, c. 374.)

Sec. 122. Inspection of elevators.—Each elevator proposed to be used within this state shall be thoroughly inspected by either the supervising inspector, a state elevator inspector or an authorized elevator inspector, and if found to conform to the rules of the board, upon payment of the inspection fee where required and a registration fee of $2 per year by the owner or user of such elevator to the inspector, the latter shall issue to such owner or user an inspection certificate. He shall specify on the certificate the maximum load to which such conveyance shall be subjected, the date of its issuance and the date of its expiration. Such inspection certificate shall be posted in the elevator.

To maintain a certificate in force, either a state elevator inspector or an au-

thorized elevator inspector shall inspect every passenger elevator periodically every 6th calendar month and every freight elevator every 12th calendar month following the month in which the initial inspection has been made, provided that any such inspection of either a passenger elevator or freight elevator may be made within the first 15 days of the month following the calendar month during which such inspection is due.

The supervising inspector or state elevator inspector may at any time suspend an inspection certificate when in his opinion the conveyance is found not to comply with the rules herein provided for. Such suspension of an inspection certificate shall continue in effect until said elevator shall be made to conform to the rules of the board and until said inspection certificate shall be reinstated by the person suspending it or by the supervising inspector. Any inspector suspending a certificate shall notify the supervising inspector immediately.

Whenever upon inspection, an inspector finds that an elevator is unsafe and creates a menace to public safety, he shall promptly make the facts known to the supervising inspector or a state elevator inspector, who may order the conveyance out of service immediately, post or direct the posting of a red card of condemnation at every entrance to the conveyance, and shall notify in writing the owner or lessee of the building in which the elevator is located. The condemnation card shall be a warning to the public and shall be of such type and dimensions as the board shall determine.

The condemnation card may be removed only by the inspector posting it or by the supervising inspector. Any other person removing or defacing such card shall be punished by a fine of not more than $100, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

If upon inspection an elevator is, in the opinion of the inspector, found to be in reasonably safe condition but not in full compliance with the rules and regulations of the board, the elevator inspector shall certify to the supervising inspector his findings and said supervising inspector may issue a special certificate, the same to be posted as required in this section. This certificate shall set forth any special conditions under which the conveyance may be operated. (1949, c. 374. 1951, c. 290, § 1.)

Sec. 123. Inspection certificate required.—From a date 90 days after the rules and regulations are adopted by the board, it shall be unlawful for a firm, person, partnership, association or corporation to operate any elevator covered by sections 115 to 131, inclusive, without a valid inspection certificate attached thereto. The operation of any elevator without inspection certificate displayed shall constitute a misdemeanor by the owner, lessee or the agent thereof and he shall be punished by a fine of not more than $50, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. (1949, c. 374. 1951, c. 266, § 32.)

Sec. 124. Reports by the state and authorized elevator inspectors. —The state and authorized elevator inspectors shall make a full report to the supervising inspector, giving all data required by the rules and regulations adopted by the board and shall report to the supervising inspector and to the owner or lessee all defects found and all noncompliances with such rules and regulations. Where any serious infraction of said rules and regulations is found by a state or authorized elevator inspector and where such infraction is, in the opinion of the inspector, dangerous to life, limb or property, it shall be the duty of said inspector to report such infraction immediately to the supervising inspector. (1949, c. 374.)

Sec. 125. Rules governing installation of new elevators; fees. — Detailed plans or specifications of each new or altered elevator shall be submitted

to and approved by the supervising inspector before the construction of the same may be started. Fees for examination of such plans or specifications shall be $1 per thousand of the valuation of the elevator as covered by the blueprints; provided, however, the minimum fee shall be not less than $5 and the maximum fee shall not be more than $25.

The initial inspection shall be made by the supervising inspector or a state elevator inspector and the fee for such initial inspection of each new or altered elevator shall be $10. Fees for each required periodic inspection subsequent to the initial inspection shall be $6.

Elevator inspectors shall give receipts for all fees and all sums received. They shall pay the same to the supervising inspector who shall deposit said sums with the treasurer of state, to be credited to the department to be used solely to defray the expenses of such investigations and inspections, and are appropriated for such purposes. The commissioner may incur such expense as may be necessary to carry out his duties in investigating and inspecting or causing to be inspected such elevators. (1949, c. 374. 1951, c. 290, § 2.)

Sec. 126. Application of §§ 115-131 to elevators now in use.—The provisions of sections 115 to 131, inclusive, shall not be construed in any way to prevent the use or sale of elevators in this state which were being used or installed prior to January 1, 1950, and which shall be made to conform to the rules of the board covering existing installations and which shall have been inspected as provided for in section 122.

The provisions of sections 115 to 131, inclusive, shall not apply to elevators upon reservations of the federal government, or under control of the public utilities commission, or those used for agricultural purposes on farms or those which are located or maintained in private residences as long as they are exclusively for private use. (1949, c. 374. 1951, c. 290, § 3.)

Sec. 127. Appeals. — Any person aggrieved by an order or act of the supervising inspector or the state elevator inspector or the department under the provisions of sections 115 to 131, inclusive, may, within 15 days after notice thereof, appeal from such order or act to the board which shall hold a hearing thereon, and said board shall, after such hearing, issue an appropriate order either approving or disapproving said order or act.

Any such order of said board or any rule or regulation formulated by said board shall be subject to review by a justice of the superior court in term time or vacation by an appeal taken within 60 days after the date of such order to the superior court held in and for the county in which the equipment is located at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by petition to which such party shall annex the order of the board and in which the appellant shall set out the substance of and the reasons for the appeal. Upon the filing thereof the court in term time or a justice thereof in vacation shall order notice thereof. Upon the evidence and after hearing which shall be held not less than 7 days after notice thereof, the court or a justice thereof may modify, affirm or reverse the order of the board and the rule or regulation on which it is based in whole or in part in accordance with law and the weight of the evidence. The court or a justice thereof shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any such order pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.

Exceptions shall lie to the law court from the decision of the superior court. (1949, c. 374.)

Sec. 128. Filing of inspection reports.—In case an elevator is inspected by an authorized elevator inspector of a duly accredited insurance company which

is the primary insurer of the conveyance and which is licensed to do business in this state, a copy of the record of each inspection of such elevator as required by sections 115 to 131, inclusive, shall be filed by the insurance company with the supervising inspector within 15 days of said inspection.

In case an insurance company cancels insurance upon any elevator or the policy expires and is not renewed, notice shall immediately be given to the supervising inspector. An insurance company shall likewise notify the supervising inspector immediately upon placing of insurance upon an elevator. (1949, c. 374.)

Sec. 129. Condemned conveyances not to be operated.—No elevator which has been condemned under the provisions of section 122 shall be operated in this state. Whoever owns or operates or causes to be operated for other than repair or corrective purposes such elevator in violation of the provisions of this section shall be punished by a fine of not more than $500, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. (1949, c. 374.)

Sec. 130. Commissioner to be notified immediately whenever an elevator accident occurs.—Each elevator accident or hoistway collision caused by equipment failure, resulting in a lost-time injury to a person or in substantial damage to the equipment shall:

I. Be reported by owner or lessee within 48 hours of its occurrence to the supervising inspector, and

II. The inspection certificate for the involved elevator shall be summarily revoked until the supervising inspector or a state or authorized elevator inspector directed to do so by him shall have inspected the conveyance or shall have again made valid its inspection certificate. (1949, c. 374.)

Sec. 131. Commissioner may examine into cause and origin of all accidents.—The commissioner may, whenever he deems it expedient or advisable, examine or cause to be examined the cause, circumstances and origin of all elevator accidents within the state, of which he has knowledge. Upon request he shall furnish to the proper county attorney the names of witnesses and all information obtained by him. (1949, c. 374.)

Pick Clocks.

Sec. 132. Installation of pick clocks. — The occupier or manager of every textile factory shall post in every room where any employees work by piece rate, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them and the rate of compensation, whether paid by the pound or by the pick as registered by the pick clock on each loom. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed and the number of picks per inch, width of loom, width of cloth woven in the loom, and each warp shall bear a designating ticket or mark of identification; and in mills operating looms engaged in the weaving of cloth or other textiles, where weavers are not paid on a per hour or day basis, pick clocks shall be placed on each loom in operation, and each weaver shall be paid according to the number of picks registered on said clock; provided, however, that this section shall not apply to so-called gang looms or the weaving of carpets or elastic webbing. Violation of any provision of this section shall for the 1st offense be punished by a fine of not more than $50; for the 2nd offense by a fine of not more than $100; and for a subsequent offense by a fine of not more than $200, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. (R. S. c. 25, § 100.)

Packing of Fish and Fish Products.

Sec. 133. Packing fish and fish products.—The industry or business of packing of fish and fish products in oil or mustard or tomato sauce, in this state, and the occupation or employment of women and minors therein, constitute an industry, business, occupation and employment of a special, seasonal and unusual nature, in which women and minors predominantly are employed and in which the industry and the hours for work are dependent wholly on the seasonal run of a certain kind of fish, over which run no person has any control; therefore it is found by the legislature that public health, safety and welfare require the protection of the industry or business and the regulation of the employment of women and minors therein. (R. S. c. 25, § 101.)

Sec. 134. Definitions.—Terms used in sections 133 to 147, inclusive, shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

I. "Commissioner," the commissioner of labor and industry and state factory inspector.

II. "Wage board," a board created as provided in section 138.

III. "Woman," a female of 21 years or over.

IV. "Minor," a person of either sex under the age of 21 years.

V. "An oppressive and unreasonable wage," a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health.

VI. "A fair wage," a wage fairly and reasonably commensurate with the value of the service or class of service rendered. In establishing a minimum fair wage for any service or class of service under the provisions of sections 133 to 147, inclusive, the commissioner and the wage board shall:

A. Take into account all relevant circumstances affecting the value of the service or class of service rendered in the seasonal industry, business, occupation and employment;

B. Be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wages to be paid; and

C. Consider the wages paid in the state for work of like or comparable character by employers who voluntarily maintain minimum fair-wage standards. (R. S. c. 25, § 102.)

Sec. 135. Employment of women and minors.—By reason of the findings set forth in section 133, it is declared unlawful, in the protection of the industry or business and in the enhancement of public interest, health, safety and welfare, for any employer to employ any woman or minor in the business or occupation of packing fish or fish products in oil or mustard or tomato sauce, at an oppressive or unreasonable wage or at less than a fair wage, as said terms are defined in section 134. (R. S. c. 25, § 103.)

Sec. 136. Administration.—The commissioner and state factory inspector shall have full power and authority:

I. To investigate and ascertain the wages of women and minors employed in the industry or occupation set forth in the classification and prohibition described in sections 133 and 135;

II. To enter the place of business or employment of any employer of women

and minors in the industry or business described in section 133 for the purpose of examining and inspecting any and all books, registers, payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the question of wages of any such women or minors and for the purpose of ascertaining whether the orders of the commissioner have been and are being complied with; and

III. To require from such employer full and correct statements in writing of the wages paid to all women and minors employed by him in the industry, business or occupation described in section 133. (R. S. c. 25, § 104.)

Sec. 137. Investigations.—The commissioner shall have the power, and it shall be the duty of the commissioner on the petition of 50 or more residents of the state, to make an investigation of the wages being paid to women and minors in the industry, business, occupation or employment described in section 133, to ascertain whether any substantial number of women or minors so employed are receiving oppressive and unreasonable wages, or less than a fair wage, as defined in section 134. If, on the basis of such investigation, the commissioner is of the opinion that any substantial number of women or minors employed as aforesaid are receiving oppressive and unreasonable wages, or less than a fair wage, a wage board shall be appointed to report upon such protection as is necessary for the industry and for the establishment of minimum fair-wage rates for such women or minors employed therein. (R. S. c. 25, § 105.)

Sec. 138. Wage boards; membership. — A wage board shall be composed of not more than 3 representatives of the employers in the industry or business to which the provisions of sections 133 to 147, inclusive, are applicable, an equal number of representatives of the employees employed in such industry or business and of not more than 3 disinterested persons representing the public; one of said 3 disinterested persons shall be designated as chairman. The commissioner shall appoint as the members of such wage board representatives of the employers and of the employees, the same to be selected, in so far as practicable from nominations submitted by employers and employees, respectively, in the aforesaid industry, business, employment or occupation. The 3 disinterested persons representing the public shall be appointed, at request of the commissioner, by the chief justice of the supreme judicial court of this state. Two-thirds of the members of such wage board shall constitute a quorum and the recommendations or report of such wage board shall require a vote of not less than a majority of all its members. Members of a wage board shall serve without pay, but may be reimbursed for all necessary traveling expenses. (R. S. c. 25, § 106.)

Sec. 139. Wage boards; powers.—Any member of a wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records and other evidence relative to any matters under investigation. Such subpoenas shall be signed and issued by a member of the wage board and shall be served in the same manner as if issued out of the superior court. A wage board shall have power to cause depositions of witnesses residing within or without the state to be taken in the manner prescribed for like depositions in civil actions in the superior court. (R. S. c. 25, § 107.)

Sec. 140. Wage boards; commissioner to assist.—The commissioner shall present to a wage board promptly upon its organization all the information in the possession of the commissioner relating to conditions in the industry and to the wages of women and minors working under the conditions in respect whereof the wage board was appointed. (R. S. c. 25, § 108.)

Sec. 141. Wage boards; report. — Within 60 days after the appointment of a wage board, it shall hold a public hearing and submit a report of its findings as to the conditions in the industry and as to minimum fair-wage standards for the women and minors employed in the industry, business or occupation described in section 133. A wage board may differentiate and classify employment and occupation in such industry or business according to the nature of the service rendered and may determine appropriate minimum fair-wage rates for each type of employment or occupation. A wage board also may determine fair-wage rates varying with localities, if in the judgment of the wage board conditions make such local differentiation proper and do not cause an unreasonable discrimination against any locality. A wage board further may determine a suitable scale of minimum fair-wage rates for learners and apprentices in any such industry or business which scale of learners' and apprentices' rates may be less than the regular minimum fair-wage rates determined for experienced women and minor workers in such industry or business. (R. S. c. 25, § 109.)

Sec. 142. Further proceedings. — The report, findings and determinations of a wage board shall be filed with the commissioner, who, within 10 days, shall cause a copy thereof, certified to him to be a true copy, to be served on each employer in this state of whom he has information or record. Within 5 days after the commissioner has made such service, he shall file in his office as a public record, a certificate containing the report, findings and determinations of the wage board and a certificate of service, and thereupon the minimum fair-wage rates set forth and determined in the report of the wage board shall become the effective minimum fair-wage rates to be paid to women and minors employed in the industry or business described in section 133. Thereafter no employer in such industry or business shall pay to any woman or minor employed by him less than said minimum fair-wage rates unless and until another wage board, after public hearing, shall have filed with the commissioner its report, findings and determinations fixing lower minimum fair-wage rates. (R. S. c. 25, § 110.)

Sec. 143. Compliance by employers.—If the commissioner has reason to believe that any employer is not paying the minimum fair-wage rates found and determined by a wage board, and certified and made effective as provided in section 142, he may, on 15 days' notice, summon any such employer to appear before him to show cause why the name of any such employer should not be published as having failed to observe the provisions of such report, findings and determinations. After such hearing, and after a finding by the commissioner of such failure, or of nonobservance of the findings and determinations of the wage board, the commissioner shall cause to be published in not less than 3 daily and 3 weekly newspapers circulating within the state, the name or names of any such employer or employers who have failed to pay the said minimum fair-wage rates or to observe the findings and determinations of the wage board. Neither the commissioner nor any newspaper publisher, proprietor, editor nor any employee thereof shall be liable to an action for damages for publishing the name of any employer or employers, as provided for in this section, unless guilty of some willful misrepresentation. (R. S. c. 25, § 111.)

Sec. 144. Court proceedings.—If at any time after a report of a wage board, containing findings and determinations as to minimum fair-wage rates, has been filed with the commissioner, and has been served by him as provided in section 142, and any employer or employers affected thereby have failed for a period of 2 months to pay such minimum fair-wage rates, the commissioner shall thereupon take court action to enforce such minimum fair-wage rates. The commissioner shall file in the office of the clerk of the superior court for Kennebec county the record of hearing before the wage board, together with its report,

findings and determinations as filed with the commissioner, and his certificate of service on employers. A justice of the superior court, unless application for stay of proceedings and for hearing shall have been filed in the office of said clerk of the superior court for Kennebec county and shall have been allowed by a justice of the superior court or the supreme judicial court, shall render, within 30 days after the filing of the papers with the said clerk of the superior court as aforesaid, his decision affirming or disaffirming the minimum fair-wage rates stated in the report, findings and determinations of the wage board, but he shall not disaffirm such minimum fair-wage rates unless he shall find from the record, or after hearing before the court if such hearing be granted, that the same were fixed and determined by the wage board without any substantial evidence in justification thereof. Appeal may be had from the decision of the superior court only on questions of law. (R. S. c. 25, § 112.)

Jurisdiction of superior court is statutory.—A justice of the superior court, in enforcing minimum fair-wage rates under this section, exercises a special and limited jurisdiction which is purely statutory and not according to the common law. It is well settled that in such cases, unless there is strict compliance with conditions precedent prescribed by the statute, the court is without jurisdiction and the proceeding is a nullity. Stinson v. Taylor, 137 Me. 332, 17 A. (2d) 760.

And compliance with this section is mandatory to confer jurisdiction. — The language of the legislature in enacting this section is clear and unambiguous. The failure of an employer in the fish-packing industry for two months to pay the minimum fair-wage rates reported by a wage board is expressly made a condition precedent to court action to enforce the rates. This provision is, in terms, mandatory and compliance with it seems necessary in order to confer jurisdiction upon the tribunal to which the action may be presented. Stinson v. Taylor, 137 Me. 332, 17 A. (2d) 760.

This section provides that the commissioner of labor and industry as conditions precedent to the maintenance of an action to enforce the minimum fair wage rate established for this industry shall file in the office of the clerk of the superior court for Kennebec county the record of hearing before the wage board, together with its report, findings and determinations as filed with the commissioner and his certificate of service thereof on each employer in this state of whom he has information or record. Failure to comply with this provision renders the justice of the superior court without jurisdiction and the proceeding before him a nullity. Stinson v. Taylor, 139 Me. 97, 27 A. (2d) 400.

Sec. 145. Employers' records.—Every employer engaged in the industry or business described in section 133, who employs or gives employment to women or minors in such industry or business, shall keep true and accurate record of the hours worked by each such employee and of the wages paid by him to them respectively, and shall furnish to the commissioner, upon demand by him, a sworn statement of the same; such records shall be open to inspection by the commissioner at any reasonable time. Every employer subject to minimum fair-wage rate findings and determinations shall keep a copy of such posted in a conspicuous place in every room in which women or minors are employed in the said industry or business. The commissioner shall furnish to the employers, without charge, copies of such findings and determinations. (R. S. c. 25, § 113.)

Sec. 146. Penalties.—

I. Any employer or any of his agents or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on a wage board or has testified or is about to testify before any wage board, or because such employer believes that said employee may serve on any wage board or may testify before any wage board or in any investigation of proceedings under the provisions of sections 133 to 147, inclusive, shall be punished by a fine of not less than $50, nor more than $200, for each offense.

II. Any employer or any of his agents or the officer or agent of any corporation, who pays, or permits to be paid, or agrees to pay, to any woman or minor employee engaged in the industry or occupation described in section 133, less than the minimum fair-wage rates applicable to such woman or minor under the report, findings and determinations of a wage board, shall be punished by a fine of not less than $50, nor more than $100, or by imprisonment for not less than 10 days nor more than 90 days, or by both such fine and imprisonment, and each day in any week on which any such employee is paid less than the rate applicable under any such minimum fair-wage report, finding or determination shall constitute a separate offense.

III. Any employer or any of his agents or the officer or agent of any corporation, who fails to keep the records required under the provisions of sections 133 to 147, inclusive, or refuses to permit the commissioner to enter his place of business, or who fails to furnish such records to the commissioner upon demand, shall be punished by a fine of not less than $25, nor more than $100, and each day of such failure to keep the records, or failure to furnish same to the commissioner, upon demand, shall constitute a separate offense. (R. S. c. 25, § 114.)

Sec. 147. Civil actions.—If any woman or minor worker employed or occupied in the industry or occupation described in section 133 is paid by an employer less than the minimum fair-wage rate set forth in a minimum fair-wage report, finding and determination by the wage board, duly certified and served as provided in section 142, such employee shall recover, in a civil action, the full amount of such minimum fair wage less any amount actually paid to such employee by the employer, together with costs and such reasonable attorney fees as may be allowed by the court, and any agreement between an employer and an employee to work for less than the minimum fair-wage rates set forth in any such report, finding or determination shall be no defense to such action. (R. S. c. 25, § 115.)

Voluntary Apprenticeship System.

Sec. 148. Definitions.—When used in sections 148 to 154, inclusive, "apprentice" shall mean a person at least 16 years of age, employed under a written agreement to work at and learn a specific trade; "apprentice agreement" shall mean a written agreement entered into by an apprentice or organization of employees with an employer or with an association of employers, which agreement provides for not less than 4,000 hours of reasonably continuous employment for the apprentice, for his participation in a definite sequency of job training, and for such related and supplemental instruction as may be deemed necessary to qualify as a journeyman in the particular trade effected; "council" shall mean the state apprenticeship council. (R. S. c. 25, § 116. 1951, c. 172, § 1.)

Sec. 149. State apprenticeship council. — The state apprenticeship council, as heretofore established, shall be composed of 9 members to be appointed by the governor and made up as follows: 3 members shall be representatives of employees, 2 of whom shall be bona fide members of a recognized major labor organization; 3 members shall be representatives of employers, 2 of whom shall be bona fide employers or authorized representatives of bona fide employers; and 3 members shall be representatives of the public and shall be selected from neither industrial employers nor employees, nor shall they be directly concerned with any particular industrial employer or employee. The appointments shall be made so that the term of 1 member of each group shall expire each year. Each member shall hold office until his successor is appointed and qualified, and any vacancy shall be filled by appointment for the unexpired portion of the term. The chair-

man of the council shall be named by the members of the council from the group which represents the public. The director of vocational education and the commissioner of labor and industry shall be available to the council for consultation. The members of the council shall receive no reimbursement for their services, but shall be reimbursed for travel at the same mileage rate and on the same basis as regular state employees and shall receive reimbursement for subsistence necessarily incurred in the performance of their duties.

The council shall:

I. Establish standards, through joint action of employers and employees, and assist in the development of apprenticeship programs in conformity with the provisions of sections 148 to 154, inclusive, and generally encourage and promote the establishment of apprenticeship programs. (1951, c. 172, § 2)

II. Register or terminate or cancel the registration of apprenticeship programs and apprenticeship agreements. (1951, c. 172, § 2)

III. Issue such certificates of completion of apprenticeship as shall be authorized by the council to apprentices who have been certified by a joint apprenticeship committee or employer as satisfactorily completing their training. (1951, c. 172, § 2)

IV. Keep a record of apprenticeship programs and apprentice agreements. (1951, c. 172, § 2)

V. Cooperate with the state department of education and the local school authorities in the organization and establishment of classes of related and supplemental instruction for apprentices employed under approved agreements. (1951, c. 172, § 2)

VI. Issue such rules and regulations as may be necessary to carry out the intent and purpose of said sections. (1951, c. 172, § 2)

VII. Make an annual report to the governor of its activities and the results thereof, which report shall be published and made available to the public.

Meetings of the council shall be held quarterly and as often as is necessary in the opinion of the majority of the council. The chairman shall designate the time and place of the meetings and the secretary shall notify all council members at least 1 week in advance of each meeting. A majority of the membership of the council shall constitute a quorum, provided that each group has at least 1 representative present. [1951, c. 172, § 2]. (R. S. c. 25, § 117. 1951, c. 172, § 2.)

Sec. 150. Apprenticeship agreements.—For the purpose of sections 148 to 154, inclusive, an apprenticeship agreement is:

I. An individual written agreement between an employer and an apprentice; or

II. A written agreement between an employer, or an association of employers, and an organization of employees describing conditions of employment for apprentices.

All such agreements shall conform to the basic standards and other provisions of sections 148 to 154, inclusive, and shall be approved by and registered with the apprenticeship council. (R. S. c. 25, § 118. 1951, c. 172, § 3.)

Sec. 151. Standards for apprenticeship agreements.—Standards for apprenticeship agreements are as follows:

I. A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than 4,000 hours of reasonably continuous employment;

II. A statement of the processes in the trade or craft divisions in which the

apprentice is to be taught and the approximate amount of time to be spent at each process;

III. A statement of the number of hours to be spent by the apprentice in work and a statement of educational subjects to be studied and mastered. Where formal classroom instruction can be established by the state department of education a statement that such classes shall operate at least 144 hours per year; (1951, c. 172, § 4)

IV. A statement that the apprentices shall be not less than 16 years of age;

V. A statement of the progressively increasing scale of wages to be paid the apprentice;

VI. Provision for a period of probation during which the apprenticeship council shall be directed to terminate the apprenticeship agreement at the request in writing of any party thereto. After the probationary period, the apprenticeship council shall be empowered to terminate the registration of an apprentice upon agreement of the parties;

VII. Provision that the services of the apprenticeship council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement, where such differences cannot be adjudged locally or in accordance with the established trade procedure;

VIII. Provision that if an employer is unable to fulfill his obligation under the apprenticeship agreement he may transfer such obligation to another employer;

IX. Such additional standards as may be prescribed in accordance with the provisions of sections 148 to 154, inclusive. [1951, c. 172, § 4]. (R. S. c. 25, § 119. 1951, c. 172, § 4.)

Provision that wages be paid to apprentice or his mother is sufficient.—An agreement providing that, in consideration of certain services of the apprentice, "the said apprentice or his mother to be paid, the apprentice is to board himself," is a sufficient provision for wages to be paid the apprentice under this subsection V. Doane v. Covel, 56 Me. 527.

Contract not conforming to this section is voidable by apprentice only.—A contract of apprenticeship, not conformable to this section, is voidable only by the apprentice and cannot be avoided by any other person or party. Doane v. Covel, 56 Me. 527.

And such contract may bind third person while not binding apprentice. — It seems well settled that a father may, at common law, assign the services of his minor son, and that indentures, though not in accordance with this section, may be sufficient to transfer his right to such services. So, indentures not under this section are binding on the father, though they might not be obligatory upon the son. Doane v. Covel, 56 Me. 527.

Sec. 152. Related and supplemental instruction.—Related and supplemental instruction for apprentices, coordination of instruction with work experiences and the selection of teachers and coordinators for such instructions shall be the responsibility of the state and local boards of education. The state department of education shall be responsible and make provision, subject to the department's decision on the allotment of its funds, for related and supplemental instruction for apprentices as may be employed under apprenticeship programs registered and approved by the council. (1951, c. 172, § 5.)

Sec. 153. Local, regional and state joint apprenticeship committees.—Local and state joint apprenticeship committees may be approved, in any trade or group of trades, in cities, regions of the state or trade areas, by the council, whenever the apprentice training needs of such trade or group of trades or such regions justify such establishment. Such local, regional or state joint apprenticeship committees shall be composed of an equal number of employer

and employee representatives selected by the respective local or state employer and employee organizations in such trade or groups of trades; also such advisory members representing local boards or other agencies as may be deemed advisable. In a trade or groups of trades in which there is no bona fide employer or employee organization, a joint committee may be composed of persons known to represent the interests of employers and of employees respectively, or a state joint apprenticeship committee may be approved as the joint committee in such trade or group of trades. Subject to the review of the council and in accordance with the standards established by the council, such committees may devise standards for apprenticeship agreements and give such aid as may be necessary in their operation in their respective trades and localities. (1951, c. 172, § 6.)

Sec. 154. Voluntary acceptance of §§ 148-154.—Nothing in sections 148 to 154, inclusive, or in any apprenticeship agreement approved under the provisions of said sections, shall operate to invalidate any apprenticeship provision in any collective bargaining agreement between employers and employees setting up higher apprenticeship standards. Provided also that none of the terms or provisions of sections 148 to 154, inclusive, shall apply to any person, firm, corporation or craft unless and until such person, firm, corporation or craft voluntarily elects that the terms and provisions of said sections shall apply. (R. S. c. 25, § 120. 1951, c. 172, § 6.)

Bedding and Upholstered Furniture.

Sec. 155. Definitions.—

I. "Article of bedding" in sections 155 to 162, inclusive, shall mean any mattress, upholstered box spring, pillow, comforter, cushion, muff, bed quilt or similar article designed for use for sleeping purposes.

II. "Article of upholstered furniture" in sections 155 to 162, inclusive, shall mean chairs, sofas, studio couches and all furniture in which upholstery or so-called filling or stuffing is used whether attached or not.

III. The word "new" as used in sections 155 to 162, inclusive, shall mean any article or material which has not been previously used for any other purpose. Manufacturing processes shall not be considered prior use.

IV. The term "secondhand" as used in sections 155 to 162, inclusive, shall mean any article or material, or portion thereof, of which prior use has been made in any manner whatsoever.

V. The term "person" as used in sections 155 to 162, inclusive, shall include individuals, partnerships, companies, corporations and associations.

VI. The term "department" where used in sections 155 to 162, inclusive, shall mean the department of labor and industry. (R. S. c. 22, §§ 147-151. 1947, c. 330. 1953, cc. 35, 333.)

Sec. 156. Secondhand materials. — No person shall manufacture for sale, sell, lease, offer to sell, or lease or deliver or consign in sale or lease, or have in his possession with intent to sell, lease, deliver or consign in sale or lease any article of bedding or upholstered furniture covered in sections 155 to 162, inclusive, in which in the making, remaking or renovation thereof, any secondhand material has been used, unless such material, before such re-use, has been effectively cleansed and sterilized or disinfected by a process approved by the department and in accordance with the regulations of the department. (R. S. c. 22, §§ 147-151. 1947, c. 330. 1953, cc. 35, 333.)

Sec. 157. Permits. — Any person desiring to secure a permit qualifying

him to apply an acceptable sterilizing or disinfecting process, as required by sections 155 to 162, inclusive, shall submit to the department a plan of such apparatus and the process intended to be used for such sterilization and disinfection, and upon approval a numbered permit shall then be issued by the department. Such permit shall expire 1 year from date of issue and shall thereafter be annually renewed at the option of permit holder, upon submission of proof of continued compliance with the provisions of sections 155 to 162, inclusive, and the regulations of the department.

For all initial permits issued there shall, at the time of issue thereof, be paid by the applicant to the department a fee of $50, and an annual renewal charge of $5 shall be paid to the same department.

A sterilization or disinfection permit may be revoked by the department upon proof of violation of any of the provisions of sections 155 to 162, inclusive. A reissue of said permit shall be subject to the provisions as set forth for an initial permit. (R. S. c. 22, §§ 147-151. 1947, c. 330. 1953, cc. 35, 333.)

Sec. 158. Articles to be tagged.—Each article containing new material covered by sections 155 to 162, inclusive, shall bear securely attached thereto and plainly visible a substantial white cloth tag, upon which shall be indelibly stamped or printed, in English, a statement showing the kind of materials used in filling such article, with approximate percentages when mixed, and with the word "new" clearly printed thereon.

Each article covered by sections 155 to 162, inclusive, containing secondhand material, or a portion thereof, shall bear securely attached thereto and plainly visible a substantial yellow cloth tag, upon which shall be indelibly stamped or printed, in English, a statement showing the kind of materials used in filling such articles, with approximate percentages when mixed, and shall state "Sterilized and Disinfected."

The size of the tag required by this section shall be not less than 6 square inches, and the lettering thereon covering the statement of filling materials and whether new or secondhand, shall be in plain type not less than ⅛ inch in height.

It shall be unlawful to use any false or misleading statement, term or designation on said tag or to remove, deface or alter, or to attempt to remove, deface or alter such tag or any statements thereon, or the adhesive stamp hereinafter described. (R. S. c. 22, §§ 147-151. 1947, c. 330. 1953, cc. 35, 333.)

Sec. 159. Registration.—No person shall sell or lease, or have in his possession with intent to sell or lease, in this state, any article covered by the provisions of sections 155 to 162, inclusive, unless there be affixed to the tag required by said sections by the person manufacturing, selling or leasing the same, an adhesive stamp prepared and issued by the department. For the purposes of affixing adhesive stamps required by this section, pillows or cushions to be used with or part of an article of upholstered furniture shall be considered as 1 unit with said article.

The department shall register all applicants for stamps and assign to every such person a registration number, said registration number not to be used by any other person, and furnish to such applicant adhesive stamps in quantities of not less than 500, for which the applicant shall pay $5 for each 500 stamps.

The department is authorized to prepare and cause to be printed adhesive stamps, which shall contain a replica of the seal of the state, the registry number of the person to whom issued and such other matter as the department shall direct. (R. S. c. 22, §§ 147-151. 1947, c. 330. 1951, c. 266, § 20. 1953, cc. 35, 333.)

Sec. 160. Administration and enforcement.—The department is charged with the administration and enforcement of the provisions of sections 155 to 162, inclusive; and may make and enforce reasonable rules and regulations for the

enforcement of said sections, and shall have the power through its officers or agents to seize and hold for evidence any article made or offered for sale in violation of the provisions of sections 155 to 162, inclusive, or the rules and regulations of the department; and any places where any articles covered by said sections are made, remade or offered for sale, or where sterilization or disinfecting is performed under the provisions of said sections, shall be subject to inspection by the department through its officers or agents. (1947, c. 330. 1953, cc. 35, 333.)

Sec. 161. Proceeds payable into the general fund.—All fees and other moneys collected in the administration of sections 155 to 162, inclusive, shall be credited to the general fund. Provided, however, that there shall always be available for the administration of the provisions of sections 155 to 162, inclusive, state moneys in an amount not less than the revenue derived from the fees collected under the provisions of sections 155 to 162, inclusive, except that any unexpended balance shall remain in the general fund. (1947, c. 330. 1953, cc. 35, 333.)

Sec. 162. Penalty.—Any person violating any provision of sections 155 to 162, inclusive, or the rules and regulations of the department established thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $10, nor more than $100, for each offense; and, in default of the payment of such fine, by imprisonment for not more than 10 days for each such offense.

Each article manufactured for sale, sold, leased, offered for sale or leased or possessed with intent to sell or lease, contrary to the provisions of sections 155 to 162, inclusive, or of the rules and regulations established thereunder shall constitute a separate offense and shall be punishable as provided in this section. (1947, c. 330. 1953, cc. 35, 333.)

Enforcement of Fines and Penalties.

Sec. 163. Enforcement of fines and penalties. — Trial justices within their county shall have original jurisdiction, concurrent with municipal courts and the superior court, of actions brought for the recovery of fines and penalties imposed by the provisions of this chapter, and of prosecutions for violations of the provisions thereof. (R. S. c. 25, § 35.)