

MAINE STATE LEGISLATURE

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CHAPTER 5

HEALTH AND SAFETY REGULATIONS

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BEDDING; UPHOLSTERED FURNITURE AND
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ARTICLE 1. GENERAL PROVISIONS

§ 81. Definitions

In this subchapter:

1. Article of bedding. "Article of bedding" shall mean any mattress, upholstered box spring, pillow, comforter, cushion, muff, bed quilt or similar article designed for use for sleeping purposes. "Article of bedding" shall mean any glider, hammock, chaise lounge or other substantially similar article which is wholly or partly upholstered.

1955, c. 151, § 1.

2. Article of upholstered furniture. "Article of upholstered furniture" shall mean chairs, sofas, studio couches and all fur-

niture in which upholstery or so-called filling or stuffing is used whether attached or not.

3. Cushion. "Cushion" shall mean any bag or case made of leather, cotton or other textile or plastic material, which is filled in whole or in part with concealed material, capable of use for sitting, sleeping, resting or reclining purposes but does not include any seat or cushion which is used as an integral part of any automobile, truck, bus, airplane, railroad equipment or on any mechanized equipment used generally in the construction industry or in agriculture.

1955, c. 151, § 2.

4. Department. "Department" shall mean the Department of Labor and Industry.

5. New. "New" shall mean any article or material which has not been previously used for any other purpose. Manufacturing processes shall not be considered prior use.

6. Person. "Person" shall include individuals, partnerships, companies, corporations and associations.

7. Secondhand. "Secondhand" shall mean any article or material, or portion thereof, of which prior use has been made in any manner whatsoever.

8. Stuffed toy. "Stuffed toy" shall mean any article intended for use by infants or children as a plaything which is filled with or contains any fiber, chemical or other stuffing. (1963, c. 49, § 1.)

R.S.1954, c. 30, § 155; 1955, c. 151, §§ 1, 2; 1963, c. 49, § 1.

§ 82. Administration and enforcement

The department is charged with the administration and enforcement of this subchapter; and may make and enforce reasonable rules and regulations for the enforcement of said subchapter, and shall have the power through its officers or agents to inspect the manufacture and sale or delivery of all articles or materials subject to this subchapter, to open and examine the contents thereof and to seize and hold for evidence any article in whole or in part which he has reason to believe is made or offered for sale in violation of this subchapter, or the rules and regulations of the department; and any places where any articles covered by said subchapter are made, remade or offered for sale, or where sterilization or disinfecting is performed under

said subchapter, shall be subject to inspection by the department through its officers or agents.

R.S.1954, c. 30, § 160; 1955, c. 151, § 3.

§ 83. Proceeds payable into the General Fund

All fees and other moneys collected in the administration of this subchapter shall be credited to the General Fund. There shall always be available for the administration of this subchapter state moneys in an amount not less than the revenue derived from the fees collected under this subchapter, except that any unexpended balance shall remain in the General Fund.

R.S.1954, c. 30, § 161.

§ 84. Penalties

Any person violating any provision of this subchapter 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 this subchapter, or of the rules and regulations established thereunder shall constitute a separate offense and shall be punishable as provided in this section.

R.S.1954, c. 30, § 162.

ARTICLE 2. ADMINISTRATION AND OPERATION

§ 111. 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 this subchapter, unless there be affixed to the tag required by said subchapter 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 one 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.1954, c. 30, § 159.

§ 112. Articles to be tagged

Each article containing new material covered by this subchapter 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 this subchapter, containing second-hand 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 $\frac{1}{8}$ 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.

R.S.1954, c. 30, § 158.

§ 113. 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, upholstered furniture or stuffed toy covered in this subchapter 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.1954, c. 30, § 156; 1963, c. 49, § 2.

§ 114. Permits

Any person desiring to secure a permit qualifying him to apply an acceptable sterilizing or disinfecting process, as required by this subchapter, 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 one 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 this subchapter 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 this subchapter. A reissue of said permit shall be subject to the provisions as set forth for an initial permit.

R.S.1954, c. 30, § 157.

SUBCHAPTER II

BOILERS AND PRESSURE VESSELS

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ARTICLE 1. GENERAL PROVISIONS

§ 141. Definitions

As used in this subchapter, the following words shall have the following meanings:

1. **Approved.** "Approved" shall mean approved by the department.

2. **Code.** "Code" shall mean the power boiler code of the American Society of Mechanical Engineers.

3. **Deputy or authorized inspector.** "Deputy inspector" or "authorized inspector" shall mean a person holding a certificate of authority to inspect boilers within this State.

1963, c. 124, § 2.

4. **Miniature boiler.** "Miniature boiler" shall mean a boiler as defined by the American Society of Mechanical Engineers' Code.

5. Schoolhouse. "Schoolhouse" shall include, but not be limited to, any structure used by schools or colleges, public or private, for the purpose of housing classrooms, gymnasiums, auditoriums or dormitories. (1955, c. 404, § 1.)

R.S.1954, c. 30, § 66; 1955, c. 404, § 1; 1963, c. 124, § 2.

§ 142. Exemptions

This subchapter 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 or boilers owned by municipalities, 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 section 245.

R.S.1954, c. 30, § 78; 1957, c. 272, § 6.

§ 143. Penalties

Whoever violates any provision of sections 211, 216 and 217 shall be punished by a fine of not more than \$50 or by imprisonment for not more than 90 days, or by both.

R.S.1954, c. 30, § 88.

ARTICLE 2. ADMINISTRATION

§ 171. 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, one shall be a representative of the owners and users of steam boilers within this State, one a representative of the boiler manufacturers within

this State, one a representative of the operating steam engineers in this State and one 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.1954, c. 30, § 64.

§ 172. Expenses of board 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 this section.

R.S.1954, c. 30, § 65.

§ 173. 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. 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.1954, c. 30, § 67.

§ 174. 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.1954, c. 30, § 75.

§ 175. 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 authorized inspectors in section 176 to be Chief Inspector of Boilers at any time the office may become vacant.

The commissioner may likewise appoint such deputy inspectors as are necessary to carry out this subchapter from among applicants who have successfully passed the examination provided for in section 176.

R.S.1954, c. 30, § 68; 1957, c. 272, § 1; c. 397, § 25; c. 429, § 40; 1963, c. 124, § 2.

§ 176. Deputy and authorized inspectors to be examined

The examination for deputy inspectors and authorized inspectors shall be given by the Chief Inspector of Boilers, 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. The chief inspector shall certify to the commissioner the names of applicants who have successfully passed the examination. In case an applicant for an inspector's certificate of authority 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 first 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.

The fee for issuing a certificate of authority as authorized inspector shall be \$10 when such certificate is granted under section 247, to a person who holds 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, and whose examination has been waived in accordance with section 247.

A certificate of authority may be revoked by the commissioner for 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 authority has been revoked, shall be entitled to apply for a new examination and certificate after 90 days from such failure or revocation.

R.S.1954, c. 30, § 71; 1957, c. 272, § 2; 1963, c. 124, § 2.

§ 177. 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.1954, c. 30, § 79.

ARTICLE 3. MANAGEMENT AND OPERATION

§ 211. 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 section 216.

R.S.1954, c. 30, § 85.

§ 212. 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. This 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 this section may be punished by a fine of not more than \$100.

R.S.1954, c. 30, § 84.

§ 213. 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. Each steam boiler or unfired steam pressure vessel located in a schoolhouse or owned by a municipality, if condemned, shall not be operated.

Whoever operates a boiler in violation of this section shall be punished by a fine of not less than \$100.

R.S.1954, c. 30, § 83; 1955, c. 404, § 3; 1957, c. 272, § 7.

§ 214. 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 $\frac{3}{8}$ 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.1954, c. 30, § 82.

§ 215. Registration; stamping

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 $\frac{3}{8}$ 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 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.

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.1954, c. 30, § 80.

§ 216. Examination by municipal officers; certificate; filing

The municipal officers of any town or city, in which any of the buildings enumerated in section 211, 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. 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. 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 Title 26, section 216, 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 of temperate habits.

R.S.1954, c. 30, § 86.

§ 217. Duty of municipal officers when notice of incompetent operator received

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 can be made, shall cause a person qualified as provided by section 216 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 section 216 to be revoked, and notice of such revocation shall be filed with the clerk of such city or town. Thereupon said municipal officers shall, if such plant is under their control, place a person qualified in charge thereof. 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 section 216, such person or corporation shall be subject to the penalties provided in section 143.

R.S.1954, c. 30, § 87.

ARTICLE 4. INSPECTIONS

§ 241. Certificate required

It shall be unlawful for any person, firm, partnership or corporation to operate under pressure in this State a steam boiler to which this subchapter applies without a valid inspection certificate as provided for in said subchapter. 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.

R.S.1954, c. 30, § 74; 1957, c. 272, § 4.

§ 242. Temporary certificate

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. 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.

R.S.1954, c. 30, § 73; 1957, c. 272, § 3; 1963, c. 124, § 2.

§ 243. Insurance

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.1954, c. 30, § 81.

§ 244. Inspection required; certificates issued

Each steam boiler used or proposed to be used within this State and all hot water supply and hot water heating boilers located in schoolhouses, and all boilers owned by municipalities, except boilers exempt under section 142, shall be thoroughly inspected while not under pressure by the chief inspector or by one of the deputy inspectors or authorized inspectors, as to its design, construction, installation, condition and operation. Each steel boiler shall be inspected internally and externally; and all normally accessible surfaces of cast iron boilers shall be cleaned for inspection but need not be dismantled unless in the opinion of the inspector it is necessary. If it shall be found to be suitable and to conform to the rules of the Board of Boiler Rules, upon pay-

ment 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 provided for, and an authorized 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 an authorized inspector if it was suspended by an authorized 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 be inspected externally while under pressure with at least the same frequency and at no greater intervals.

R.S.1954, c. 30, § 72; 1955, c. 404, § 2; 1963, c. 124, § 2.

§ 245. Inspection charge

The owner or user of a steam boiler, required by this subchapter 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, 10¢ 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

provided for. Not more than \$20 shall be collected for such inspection of any one boiler made for any one 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.1954, c. 30, § 76.

§ 246. Powers of chief inspector

The chief inspector is empowered:

1. **Free access to premises.** 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 purpose of ascertaining whether such boiler is built, installed and operated in accordance with this subchapter;

2. **Inspection certificates.** To issue, suspend and revoke inspection certificates allowing steam boilers to be operated, as provided in sections 242 and 244;

3. **Enforce laws and rules.** To enforce the laws of the State governing the use of steam boilers and to enforce the rules of the Board of Boiler Rules;

4. **Records.** 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 this subchapter applies;

5. **Copies of rules.** To publish and distribute among boiler manufacturers and others requesting them, copies of the rules adopted by the board;

6. **Examinations and certificates of competency.** To hold examinations and issue certificates of competency to inspectors who have successfully passed such examinations.

R.S.1954, c. 30, § 69.

§ 247. Authorized inspectors; duties

In addition to any deputy boiler inspectors authorized and appointed under section 175, 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 authorized inspectors, provided that each inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 176, 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 authorized inspectors shall receive no salary from, nor shall any of their expenses be paid by, the State, and the continuance of an authorized inspector's certificate shall be conditioned upon his continuing in the employ of a boiler inspection and insurance company duly authorized and upon his maintenance of the standards imposed by this subchapter. Such authorized 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 245. Each company employing such authorized 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.1954, c. 30, § 70; 1963, c. 124, § 1.

SUBCHAPTER III**COMPRESSED AIR WORK****ARTICLE 1. GENERAL PROVISIONS**

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ARTICLE 1. GENERAL PROVISIONS

§ 271. Definitions

Whenever in sections 301 to 343, 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.1954, c. 30, § 112.

§ 272. 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.1954, c. 30, § 111.

§ 273. Regulations suspended or modified

The regulations prescribed in sections 301 to 343 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.1954, c. 30, § 113.

§ 274. Penalties

Whoever violates any reasonable rule, regulation, order or requirement made by the department under authority of sections 301 to 343 shall be punished by a fine of not more than \$100.

R.S.1954, c. 30, § 114.

ARTICLE 2. SUPERVISION AND CONTROL

§ 301. Rules and regulations

The rules and regulations under sections 301 to 343 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.1954, c. 30, § 89.

§ 302. Notice to department

No such work in compressed air shall be started until 7 days after the firm, corporation, commission or person undertaking such work has notified the department in writing of such contemplated work.

R.S.1954, c. 30, § 90.

§ 303. Representative of employer to be present at work

Whenever the construction work is in progress, there shall be present at all times at least one 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.1954, c. 30, § 91.

§ 304. 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. He shall, im-

mediately upon discovery of any defect, report the same in writing to the person present in charge.

R.S.1954, c. 30, § 104.

§ 305. Daily inspection report 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.1954, c. 30, § 92.

§ 306. 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.1954, c. 30, § 110.

§ 307. Records to be 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.1954, c. 30, § 97.

ARTICLE 3. OPERATING CONDITIONS

§ 331. Temperature, lighting and sanitation

The following provisions shall be observed in the conduct of air pressure work:

1. **Temperature.** 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.

2. **Lighting.** 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.

3. Passages. All passages shall be kept clear and properly lighted.

4. Nuisances; smoking; animals. 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.1954, c. 30, § 99.

§ 332. 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.1954, c. 30, § 100.

§ 333. Air supply; communications

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 CO₂ shall never exceed one 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.

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.1954, c. 30, §§ 101, 106.

§ 334. Shafts; locks

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 $\frac{1}{4}$ 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 one 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.1954, c. 30, § 102.

§ 335. 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.1954, c. 30, § 105.

§ 336. Caissons braced

All caissons shall be properly and adequately braced before loading with concrete or other weight.

R.S.1954, c. 30, § 109.

§ 337. Medical regulations

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, 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:

1. Examination. 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.

2. Not having previously worked in compressed air. 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 $\frac{1}{2}$ 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 to be such as to qualify him for such work.

3. Absence from work for 10 or more days. 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 to be such as to permit him to work in compressed air.

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

5. Employed continuously for 2 months. After a person has been employed continuously in compressed air for a period of

2 months, he shall be reexamined by the medical officer. He shall not be allowed, permitted or compelled to work until such examination has been made and he has been reported as physically qualified to engage in compressed air work.

6. Records by medical officer. 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 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, and 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.

7. Equipment. 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 one 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.

8. Work from October 1st to April 1st, equipment. 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.

9. Medical lock. 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.

10. Identification badge. An identification badge, to be approved by the department, shall be furnished to all employees, advising police officials that the employee is a compressed 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.1954, c. 30, § 103.

§ 338. 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.

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

2. Storage. 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 one 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 one blast. This certificate shall prescribe the limits to the amount of explosives allowed in the tunnels or caissons at any one 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.

3. Detonators; lights. 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.

4. Blaster; switch. There shall be one 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 one 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.

5. Scaling. 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.

6. Inspection by foreman. 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.

7. Drilling. Drilling must not be started until all remaining butts of old holes are examined for unexploded charges.

R.S.1954, c. 30, § 107.

§ 339. 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 one inch in height.

R.S.1954, c. 30, § 108.

§ 340. 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 one 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.

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	$\frac{1}{2}$	4
18	26	6	3	1	3
26	33	4	2	2	2
33	38	3	$1\frac{1}{2}$	3	$1\frac{1}{2}$
38	43	2	1	4	1
43	48	$1\frac{1}{2}$	$\frac{3}{4}$	5	$\frac{3}{4}$
48	50	1	$\frac{1}{2}$	6	$\frac{1}{2}$

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.1954, c. 30, §§ 93, 94.

§ 341. 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 $\frac{1}{2}$ 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.

1. Air pressure less than 15 pounds. 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.

2. Air pressure 15 pounds or over and less than 20 pounds. 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.

3. Air pressure 20 pounds or over and less than 30 pounds. 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.

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

The time of decompression shall be posted in each man lock. (See form.)

R.S.1954, c. 30, § 95.

§ 342. —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.1954, c. 30, § 96.

§ 343. Recording gauge

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 one 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.1954, c. 30, § 98.

SUBCHAPTER IV

CONSTRUCTION SAFETY RULES AND REGULATIONS

Sec.

371. Definitions.

372. Establishment of board; purpose.

373. Powers and duties of board.

374. Appeals.

§ 371. Definitions

Under this subchapter, the following words shall have the following meanings:

1. Approved. "Approved" shall mean as approved by the Board of Construction Safety Rules and Regulations;

2. Board. "Board" shall mean the Board of Construction Safety Rules and Regulations;

3. Commissioner. "Commissioner" shall mean the Commissioner of Labor and Industry;

4. Construction. "Construction" shall mean and include forming, erection, demolition, dismantling, alteration, repair and moving of buildings and all other structures and all operations in connection therewith; and shall also include all excavation, roadways, sewers, trenches, tunnels, pipe lines and all other operations pertaining thereto. The term "construction" shall apply to persons and corporations engaged for hire, or by virtue of a contract. The term "construction" shall not apply to construction for self use where the number of persons engaged for hire, or by virtue of a contract, does not exceed 5.

1955, c. 466, § 5; 1963, c. 65, § 1.

§ 372. Establishment of board; purpose

The Board of Construction Safety Rules and Regulations, as heretofore established, for the purpose of formulating and adopting reasonable safety regulations and codes in order to provide for personal, material and public safety in connection with construction, and such other activities usually associated with the construction industry, shall consist of 8 members of which 6 shall be appointed to membership by the commissioner, subject to the approval of the Governor and Council. Of the 6 appointed mem-

bers of the board, 2 shall represent the construction contractors within the State; 2 shall represent the construction workers within the State; one shall represent the insurance companies licensed to insure workmen's compensation within the State; one shall represent the public. The 7th member of the board shall be the Commissioner of Labor and Industry and the 8th member shall be the Insurance Commissioner. The chairman shall be elected annually by the members of the board. The board shall meet at least twice yearly at the State Capitol, or at any other place designated by the chairman. Of the 6 appointed members, 2 shall be appointed for a term of 2 years; 2 shall be appointed for a term of 3 years; and 2 shall be appointed for a term of 4 years. Each member shall hold office until his successor is duly appointed and qualified. 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 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 unexpired term of the absent member.

The 6 appointed members of the board shall serve without salary and shall receive their actual expenses while engaged in the performance of their duties as members of said board. The chairman of said board shall approve and countersign all vouchers for expenditures under this section.

1955, c. 466, § 5.

§ 373. Powers and duties of board

The board shall formulate and adopt reasonable rules and regulations for safe and proper operations in construction within the State. The rules and regulations so formulated shall conform as far as practicable to the standard safety codes for construction. Such rules and regulations shall become effective 90 days after the date they are adopted. Before any rules and regulations are adopted a public hearing shall be held after suitable notice has been published in at least 3 daily newspapers within the State.

1955, c. 466, § 5.

§ 374. Appeals

Any person aggrieved by an order or act of the inspector or the department under this subchapter 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 the Superior Court by an appeal taken within 30 days after the date of such order to the Superior Court held in and for the county in which the operation is located at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by complaint 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 shall order notice thereof. Upon the evidence and after hearing which shall be held not less than 7 days after notice thereof, the court 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 shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any order pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.

1955, c. 466, § 5; 1961, c. 317, § 61; 1963, c. 65, § 2.

SUBCHAPTER V

ELEVATOR OPERATORS

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ARTICLE 1. GENERAL PROVISIONS

§ 401. Definitions

Under this subchapter the following words shall have the following meanings:

1. Approved. "Approved" shall mean as approved by the Board of Elevator Rules and Regulations.

2. Authorized elevator inspector. "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.

3. Board. "Board" shall mean the Board of Elevator Rules and Regulations.

4. Commissioner. "Commissioner" shall mean the Commissioner of Labor and Industry.

5. Elevator. "Elevator" shall mean a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and shall include the doors, well, enclosures, means and appurtenances required by these regulations. The term "elevator" shall not include a dumbwaiter, 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 one story.

6. Freight elevator. "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.

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

8. State elevator inspector. "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.

R.S.1954, c. 30, § 116; 1955, c. 3.

§ 402. Retroactive effect

This subchapter 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 461.

This subchapter 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.

R.S.1954, c. 30, § 126.

§ 403. Appeals

Any person aggrieved by an order or act of the supervising inspector or the state elevator inspector or the department under this subchapter may, within 15 days after notice thereof, appeal from such order or act to the board which shall hold a hearing thereon. 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 the Superior Court 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 complaint 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 shall order notice thereof. Upon the evidence and after hearing which shall be held not less than 7

days after notice thereof, the court 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 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.

An appeal may be taken to the law court as in other actions.

R.S.1954, c. 30, § 127; 1959, c. 317, § 11; 1961, c. 317, § 62.

ARTICLE 2. ADMINISTRATION AND OPERATION

§ 431. Board of Elevator Rules and Regulations

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 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, one shall be a representative of owners or lessees of elevators within the State; one shall be a representative of manufacturers of elevators; one 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 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 this section.

R.S.1954, c. 30, § 115.

§ 432. Powers and duties of 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. 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.

R.S.1954, c. 30, § 117.

§ 433. Appointment of inspectors

The commissioner shall appoint, with the approval of the Governor and Council, and may remove 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 this subchapter from among applicants who successfully pass the examination.

R.S.1954, c. 30, § 118.

§ 434. Examination of inspectors; fees

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 exam-

ination, 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.

R.S.1954, c. 30, § 121.

§ 435. Certificates of authority

In addition to any state elevator inspector appointed under section 433, 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 each such inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 434 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 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 each such inspector before receiving his certificate of authority shall satisfactorily pass the examination provided for in section 434. An authorized inspector appointed under 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 this subchapter. 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 464. 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, 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.

R.S.1954, c. 30, § 120.

§ 436. Notice to commissioner of accidents

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:

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

2. **Inspection certificate.** 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.

R.S.1954, c. 30, § 130.

§ 437. Examination of accidents by commissioner

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.

R.S.1954, c. 30, § 131.

§ 438. Employment of minors

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.1954, c. 30, § 49.

ARTICLE 3. INSPECTIONS

§ 461. 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 authorized 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. 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 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.

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.

R.S.1954, c. 30, § 122.

§ 462. Condemned conveyances not to be operated

No elevator which has been condemned under section 461 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 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.

R.S.1954, c. 30, § 129.

§ 463. 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 this subchapter 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.

R.S.1954, c. 30, § 123.

§ 464. 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. 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.

R.S.1954, c. 30, § 125.

§ 465. Insurance

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 this subchapter 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.

R.S.1954, c. 30, § 128.

§ 466. Reports by 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.

R.S.1954, c. 30, § 124.

§ 467. Powers of commissioner and 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:

1. Enforce laws and rules and regulations. To enforce the laws of the State governing the use of elevators and to enforce adopted rules and regulations of the board;

2. Free access to premises. 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 this subchapter;

3. Supervise inspectors. To allocate and supervise the work of elevator inspectors;

4. Records. To keep a record of the type, dimensions, age, conditions and location and date of last inspection of all elevators to which this subchapter applies;

5. Certificates of operation. To issue, suspend and revoke certificates allowing elevators to be operated;

6. Examinations. 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;

7. Copies of rules. 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.

R.S.1954, c. 30, § 119.

SUBCHAPTER VI

PACKING OF FISH AND FISH PRODUCTS

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Sec.

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ARTICLE 1. GENERAL PROVISIONS

§ 491. Legislative finding

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.1954, c. 30, § 133.

§ 492. Definitions

Terms used in this subchapter shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

1. A fair wage. "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 this subchapter, 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.

2. An oppressive and unreasonable wage. "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.

3. Commissioner. "Commissioner," the Commissioner of Labor and Industry and State Factory Inspector.

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

5. Wage board. "Wage board," a board created as provided in section 551.

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

R.S.1954, c. 30, § 134.

§ 493. Employers' records

Every employer engaged in the industry or business described in section 491, 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.1954, c. 30, § 145.

§ 494. Civil actions by employees

If any woman or minor worker employed or occupied in the industry or occupation described in section 491 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 555, 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.1954, c. 30, § 147.

§ 495. Penalties**1. Discrimination for serving on wage board or testifying.**

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 this subchapter shall be punished by a fine of not less than \$50 nor more than \$200, for each offense.

2. Wages less than rates applicable.

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 491, 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, 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.

3. Records.

Any employer or any of his agents or the officer or agent of any corporation, who fails to keep the records required under this subchapter 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.1954, c. 30, § 146.

ARTICLE 2. ADMINISTRATION AND OPERATION**§ 521. Employment of women and minors**

By reason of the findings set forth in section 491, 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 492.

R.S.1954, c. 30, § 135.

§ 522. Powers of commissioner and inspector

The commissioner and state factory inspector shall have full power and authority:

1. Investigate wages. 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 491 and 521;

2. Examining and inspecting records. To enter the place of business or employment of any employer of women and minors in the industry or business described in section 491 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

3. Require statements of wages paid. 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 491.

R.S.1954, c. 30, § 136.

§ 523. 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 491, 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 492. 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 nec-

essary for the industry and for the establishment of minimum fair-wage rates for such women or minors employed therein.

R.S.1954, c. 30, § 137.

§ 524. 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 555, 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 such report, findings and determinations. After such hearing, and after a finding by the commissioner of such failure, or of non-observance 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.1954, c. 30, § 143.

§ 525. 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 555, 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, 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.1954, c. 30, § 144.

ARTICLE 3. WAGE BOARDS

§ 551. Membership

A wage board shall be composed of not more than 3 representatives of the employers in the industry or business to which this subchapter is 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.1954, c. 30, § 138.

§ 552. 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.1954, c. 30, § 139.

§ 553. Assistance of commissioner

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.1954, c. 30, § 140.

§ 554. Reports

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 491. 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 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 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.1954, c. 30, § 141.

§ 555. —Publication and service

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 491. 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.1954, c. 30, § 142.