

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

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detract in any way from any patriotic sentiment or any patriotic movement on the part of this House, still, I feel that at any time when the State of Maine feels that it is necessary to economize for all practical purposes, if we have eight hundred dollars to expend upon monuments along that trail up through Somerset County, that the money might better be put to practical purposes upon the roads which are necessary for the practical use of the people of that section.

Mr. ST. CLAIR: Mr. Speaker, in as much as we have been assured that the Daughters of the American Revolution have this matter in charge and intend to carry it out, I believe that we should indefinitely postpone this matter and not recommit it. Let us leave it to them, if they have made a beginning on the work and let them have the glory of finishing it up.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Drummond, that this matter be indefinitely postponed. Upon this question the yeas and nays have been called.

Mr. ST. CLAIR: Mr. Speaker, I will withdraw that motion and yield to the suggestion of the gentleman from Brewer, Mr. Higgins, and call for a division of the House.

A division being had, 99 voted in favor and 16 against.

So the House voted to indefinitely postpone this bill.

Mr. ST. CLAIR: Mr. Speaker, I wish to say that I might have known it was no use to make a fight between Sons and Daughters, this crowd would stand by the Daughters anyway. (Applause).

The SPEAKER: The Chair lays before the House House Doc. No. 328, bill, An Act relative to the employment of women and minors, specially assigned for consideration today. The pending question is the adoption of House Amendment A.

Mr. FAY of Dexter: Mr. Speaker, I regret very much that I am unable to present this matter in a forceful manner, but I want to state my position frankly, and I am unwilling to go on record to that effect. It is my sincere conviction

that it is against the interest of the people of this state if we should pass the legislation limiting and restricting the hours of labor at this time. Conditions are exceptional in that respect at the present time, and most of our employees are looking for work rather than looking for shortening of hours of labor. This body will within a short time act on the measure of granting equal suffrage to women. I hardly see how the two measures can be consistent; we can not believe in suffrage and at the same time take away their right to work as they see fit. As to the minors and children I am willing to go as far as any one towards restricting their employment against the greed on the part of their parents; but I think that is as far as we should go at this time. That, however, has gone by to a certain extent.

We are all pledged to vote for a 54-hour law, and I contend that this amendment is a 54-hour law, in every sense of the word. Furthermore, I disclaim the accusation that was made yesterday to the effect that the amendment was put in solely for the purpose of killing the bill, and I can assure you, gentlemen, it was not with that intention, but with the intention simply of getting a bill that was as fair and just as possible to both manufacturers and employees, and I believe this amendment to the bill covers the ground.

It was also said yesterday that this amendment was practically the same as the Colby Bill, so-called, in the Senate, Senate Doc. No. 31. I regret that I was not allowed time to bring this before the members as it should have been and as it would be if they had time to look over this amendment and compare the bill in all its features. Those of you who have Senate Doc. No. 31 before you, if you will give it a careful examination you will find nearly the entire body is stricken out, that is, the matter that the laboring people might contend should not be in there; that is in regard to rush orders, limiting or placing it on the basis where it should be to be controlled. Another matter I would like to call to the attention of the House, and that is that House Doc. No. 328 is somewhat conflicting. You will all agree I think that it is desirable to have these acts in

as concise terms as possible, in order that they may be easy of interpretation and with as few limitations, as long as the rights of the people are protected. This bill, House Doc. No. 323, consists of eight pages, and this amendment of two pages, practically. The statement was made yesterday that the people did not understand this measure and that this provided for 48 hours in a year for extra time, four hours a week extra time, and it is subject to the approval of the Labor Commissioner. This morning I have just got hold of House Doc. No. 9, which was presented in the legislature of 1913, and have looked it over somewhat. They were for a 54-hour bill, and this had the merit of being short, same as this amendment is, as I contend. This was returned from the committee on labor with a report "ought to pass" in a new draft providing for 56-hours. I am very sorry that all the members of the House can not at this time compare the two. Now I want to go on record as saying that I believe we are under obligation to pass a 54-hour law and that I believe that this amendment meets all those obligations absolutely, and I move that it be adopted.

Mr. PERKINS of Augusta: Mr. Speaker, I do not quite understand this amendment. This is amendment A to House Document 328, and House Document 495 is one of the amendments to House Document 328.

The SPEAKER: The Chair will state that the original bill in new draft was House Doc. No. 328. House Document 495 was the same bill with suggested amendments added to it, which amendments were yesterday ruled out of order so that it then recurred to the original bill, and the question is not upon the adoption of House Amendment A offered by the gentleman from Dexter, Mr. Fay.

Mr. PIERCE of Houlton: Mr. Speaker, I will state that in connection with House Doc. 328, there was an error in the printing and House Doc. No. 495 is the correct print of House Doc. No. 323 except that the amendments were annexed at the last and of course are not now before the House, having been ruled out by the House yesterday. House Doc. No. 328 is not the bill to be acted upon because it is not correct, and we should act upon House Doc. No. 495, not

including the amendments. The gentleman from Baileyville, Mr. Jordan, called the attention of the House some time ago to the error and we had it printed again in order to eliminate that error.

Mr. HIGGINS of Brewer: Mr. Speaker, I presume the gentleman from Dexter, Mr. Fay, simply intends that this amendment shall apply to House Doc. No. 495, which is a reprint of the new bill, and he simply made a mistake in his figures.

Mr. FAY: Mr. Speaker, being rather unfamiliar with parliamentary rules, I may have made a mistake. As I understand the matter now, House Doc. No. 495 which I have here is simply a reprint of House Doc. No. 328, with the amendments A, B and C added for the sake of getting them into the printed form; and I assume that that having been decided by the Chair to be an amendment, and having been considered out of order, that carried the matter back to House Doc. No. 328. However, it is immaterial to me, and the subject matter is just the same; and as I understand now we are acting on the amendments as printed under House Doc. 632.

Mr. PIERCE: Mr. Speaker, I understand that the gentleman from Dexter, Mr. Fay, wants to get it correct, and we mean to get at exactly the same thing. I think he is in error in saying that House Doc. No. 495 is an exact copy of House Doc. 328, because there is an error in the printing of Section eight of House Doc. No. 328. I simply wish to have the record right. As I understand it, the gentleman wishes to offer his amendment, which is House Doc. No. 632, to the correctly printed bill which is found in House Doc. No. 495.

Mr. FAY: Mr. Speaker, the situation seems clear to me now, and my error was only through ignorance.

Mr. CONNELLAN of Portland: Mr. Speaker, in order to get the matter before the House properly, I move that we amend House Document No. 632 so that the title line thereof shall read "House Document No. 495."

Mr. Higgins of Brewer seconded the motion.

The motion was agreed to.

Mr. PLUMMER of Lisbon: Mr. Speaker, I rise to a parliamentary inquiry.

In view of the fact that the House read House Document 328 twice yesterday, whether if I am correct that was the number that was correct, and it is in the record. I simply inquire whether this motion would effect the parliamentary status of the bill. Further, Mr. Speaker, if I may be permitted to suggest, there is a rule of the House which allows errors which are manifestly clerical to be corrected by their being called to the attention of the House, I merely wish to raise this point in order that if we substitute House Doc. No. 495 for House Doc. No. 328, that it shall not be necessary then for this document to again have its two readings and to be laid over until the next day for a third reading.

Mr. CONNELLAN: Mr. Speaker, in order to facilitate the business of the House I will withdraw my motion in favor of the motion of the gentleman from Lisbon, Mr. Plummer.

The SPEAKER: The Chair will state that the motion of the gentleman from Portland, Mr. Connellan, had already been put and carried by the House.

Mr. Connellan moved that the vote be reconsidered whereby the motion previously made by him was declared carried.

The motion was agreed to.

The SPEAKER: The Chair understands that the question before the House now is on the motion of the gentleman from Portland, Mr. Connellan, that the title to House Document 328 be changed by striking out the figures "328" and substituting therefor the figures "495". The House has just reconsidered the vote whereby it voted to adopt that amendment, and the original motion is now before the House.

Mr. FAY of Dexter: Mr. Speaker, I may be wrong here, but I have a copy of House Document 328 on my desk, and I know it is a misprint. I think the misprint was in Section eight, because in House Document 495 it has been corrected by the printer.

Mr. CONNELLAN: Mr. Speaker, I will withdraw my motion.

The SPEAKER: Without objection that may be done. The question now before the House is on the adoption of

House Amendment A to House Document 328.

Mr. JORDAN of Baileyville: Mr. Speaker, I will say for the benefit of the members of this House that by unanimous consent House Document No. 328 was corrected in Section eight, where it said in the first line "nothing in the six preceding sections shall apply" to read "nothing in the seven preceding sections shall apply."

Mr. PLUMMER: Mr. Speaker, I merely wish to inquire if it would be proper to move to install in place of House Doc. 328, House Doc. No. 495?

The SPEAKER: The Chair understands that House Doc. No. 328 as it is now before the House corrected and the first part of House Doc. No. 495 without the amendments are identical; and if they are identical the Chair sees no reason why we should not go ahead with House Doc. No. 328.

Mr. McCARTY of Lewiston: Mr. Speaker, I would ask if now is the proper time to discuss the adoption of that amendment?

The SPEAKER: That is the question before the House, unless the House desires to take some further action in regard to these titles and numbers.

Mr. PLUMMER: Mr. Speaker, in order to clarify the matter, and if it will make any difference in the parliamentary status of the bill I would move that House Doc. No. 495, the first part of it, without the amendments be substituted as House Doc. No. 328, and that the parliamentary status of it be the same as of that document.

The motion was agreed to.

The SPEAKER: The Chair will rule that we are now acting upon House Doc. No. 328, as amended, by the motion of the gentleman from Lisbon, Mr. Plummer.

Mr. McCARTY of Lewiston: Mr. Speaker, the amendment which has been offered by the gentleman from Dexter (Mr. Fay) is now, I understand, subject to discussion; and inasmuch as it has been suggested here, in the hearing yesterday, that all the members of this House are in favor of some legislation in regard to the 54-hour bill, it is not necessary for me to discuss the merits of a bill carry-

ing fifty-four hours of labor for women and children. So that all I need say this morning may be directed to this amendment and to this amendment alone. If it is the desire of this House to enact a law for the protection of women and minors, so far as their hours of labor are concerned, then, of course, it is its desire that that law should be a real law and not a joke. I did not question yesterday when I took some minor part in this debate the sincerity of the members of the opposition,—and when I speak of opposition I mean those who are presenting amendments to this original 54-hour bill as it comes from the committee. I assumed that they were sincere and honest in their motives, and that their request for delay in the consideration of this bill was impelled only by sincere and honest motives; but as I look at this amendment that has been placed on my desk this morning, I am almost inclined to question the sincerity of the gentlemen who are so prolific in their amendments. Amendment A, which we are discussing at the present time, provides for a 54-hour law only in title. It provides that, under certain conditions, the fifty-four hours may be wiped away, and that manufacturers who may be dishonest in the conduct of their business may, if they so desire, entirely ignore this law, and work women in their employ, and also minors in their employ, a greater period than fifty-four hours a week. The exception in this amendment is especially vicious, to my mind, and I will read it beginning with the words "except when by reason of repairs necessary to prevent interruption of the ordinary running of the machinery, longer hours may be necessary to complete any work, material or product to be completed or delivered at a time certain under the contract." Now, then, there is nothing in this bill, where an employer seeks to work the females in his employ and minors,—no prosecution for working them in excess of the fifty-four hours a week, and nothing to prevent them from going into court and invoking the defense that their machinery was out of repair, or that it was necessary to exceed the fifty-four hours in order to complete a product which is necessarily delivered under contract. Now the people of the State of Maine, and especially those who are af-

ected by this bill—and by that I mean the women and the children largely—want no such leeway opened up to their employers. If all the employers of labor in the State of Maine were honest, then it might well be said that this exception might not well be included; but we have a department of labor and industry, created by this legislature, which is continually going about the State and seeking violators of the law, and they find their time busily employed; so much so in fact that they have asked for extra appropriations in order to carry on that work of this Legislature. Now if we are going to enact a 54-hour bill, let us enact a real one, and not enact one that is a 54-hour bill in title only, and which may be a 56, a 58 or a 60 hour bill in reality.

This bill further provides, or the exception provides, that any female eighteen years of age, or over, may lawfully contract for a larger number of hours in excess of nine hours per day, but not in excess of four hours in any one week, or forty-eight hours in any one year. Those interested in the real 54-hour law want no such provision as that. That is going to employ the working females eighteen years old and over four hours extra for twelve weeks during the year. A female employee does not desire the opportunity of working four hours a week extra for twelve weeks during the year; she wants to work fifty-four hours a week and fifty-four hours only. Now the gentleman (Mr. Fay) has proposed this in the shape of an amendment when it is in reality a bill, because the entire bill known as House Document 495 is all stricken out by reason of this amendment, and the entire bill itself consists of sections one, two, three, the repealing act, and four, the section which provides the time when this shall go into effect.

Now, then, I suppose that the real teeth in any law is the provision for its observance by those who are interested in it. If a person commits any offence against the State of Maine, the State of Maine provides a punishment for that person. Here is a bill which enables employers to do certain things, and in this bill there is not the slightest word which would enable the State of Maine to prosecute the violators of this law. Now I do not know whether the gentleman who proposed this amendment left out the very

teeth of the law intentionally or not; I hope he did not. I hope that this wave of sincerity which is apparent here in this State House is really true sincerity, and I trust that the gentleman did not deliberately forget to include in his amendment, which is the bill here before the House this morning, some method for its enforcement. Under this amendment, which is a real bill, there is not a word which provides that any employer of labor who shall violate its conditions shall be punished in any way, shape or manner. Now if the members of this House are willing to accept this amendment, or if a majority of them are, then they show their insincerity in regard to this 54-hour bill; they show that they are not sincere in their relations with the women and the minors of this State engaged in manual labor in our manufacturing establishments and such other places as this amendment provides for.

I trust, gentlemen, that this amendment, which is so apparently in the first place something which is masquerading in the guise of a 54-hour law, and which is anything but a 54-hour law, this amendment which makes no provision for the punishment of those who violate this law, will be voted down and be voted down decisively. (Applause.)

Mr. WESCOTT of Bluehill: Mr. Speaker, I also would like briefly to protest against the adoption of this amendment, because I consider it among all the amendments that have been offered the biggest joke of them all. Let us see again what it says! "Strike out all of said bill after the enacting clause, and insert the following. 'Sect. 1. No male minor under 16 years of age, and no female, shall be employed in any factory, manufacturing or mechanical establishment,'" and so forth; but where is the "and so forth?" What about workshops, laundries, restaurants, telegraph and telephone offices, mercantile establishments, transportation companies? What about those? And as the gentleman (Mr. McCarty) has well said, even though the whole thing is flagrantly abused by employers of labor, there is not the least possible penalty provided in this bill if it is enacted as a law. Now I wish to say, and say it very briefly, that the Labor Com-

mittee, made up of men from all walks of life, fair, conservative, careful,—have taken this matter up, and in the bill which they present they feel that they have something that is fair and just to everybody; something that will impose no great hardship on anybody, and something that will be in the interests of the people of the State of Maine.

Mr. ST. CLAIR of Calais: Mr. Speaker, it is hardly necessary for me to say anything after the very able and eloquent remarks of the gentleman from Lewiston (Mr. McCarty). I only wish to say that when I read in the platform of my party that provision in regard to a 54-hour law, I believed that it meant something. I believe it now, and I believe that this House should unanimously, without regard to party lines, vote for this 54-hour law, with no joker in it—straight 54 hours. This is a bill that legislates for flesh and blood. All our legislation here this winter has not been of that kind; but this is legislation for flesh and blood, for humanity, for civilization, for mothers who bear children, for the children who are growing up to make men and women in this commonwealth; and 54 hours, Mr. Speaker, is long enough for minors and for women to stand in any factory or shop and work. I do not want to see any provision by which any employer can add to the number of hours. Make a 54 hour law that will not need a Philadelphia lawyer to tell the people what it means. It should mean just 54 hours for six days in the week.

Mr. PERKINS of Augusta: Mr. Speaker, I move that when the vote is taken on this amendment it be taken by the yeas and nays.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, I do not want to take the time of the House, but I wish to answer a few remarks of the gentleman from Dexter, Mr. Fay as to this bill.

This is my third term as a member of this House, and every time I have been elected by a larger majority, and my vote has come from the working people. Now we received petitions from the Pepperill Manufacturing Company of Biddeford, and a number of other mills, apparently against this bill—

petitions signed by employees; but I want you to bear in mind that those petitions were circulated by the overseers and the second hands of the mill. Now I am acquainted with those people there, and 82 per cent. voted to have a change. When I got back home the other week, over one hundred people came to me and told me that the man who went around with the petition told them how to vote, and as much as told them that if they did not vote right there would be something doing,—and perhaps even stronger talk than that.

I want to say that the people of this State want this law. Another remark that the gentleman (Mr. Fay) made in regard to the extra hours of labor, that the women shall not work over four hours a week. That is a mistake, because it says: "and not otherwise unless with the permission of the Commissioner."

The committee have worked hard on this bill, and I hope that this House will vote this amendment down.

Mr. FAY of Dexter: Mr. Speaker, I did not understand all that Mr. Descoteaux said; but his remarks call me back to the House bill which was presented in 1913. I think by the gentleman from Biddeford (Mr. Descoteaux) and may I be allowed to read section 1? "Section 48 of Chapter 40 of the Revised Statutes is hereby amended by striking out the word 'ten' where this word occurs, and inserting in place thereof the word 'nine,' and striking out the word 'fifty-eight' in the tenth line, and inserting in place thereof the word 'fifty-four', so that said section as amended shall read as follows," etc. "Fifty-six" was later substituted, I understand, for "fifty-four" in the new draft. The rest is practically the same as this amendment. Now that is what the labor people asked for at that time; it had their sanction. There was no question of a penalty in there, and I can assure the gentlemen that the penalty being left out of this was through no intent on my part. I supposed that when we passed the law it was capable of being enforced, and would be enforced as it should be enforced. I did not suppose it was necessary to specify a particu-

lar penalty. If I had, I should have been very glad to have done so. I am just informed that a subsequent section to Chapter 40, which is not stricken out, provides the penalty. That is in accordance with what I supposed to be the case. That 1913 bill provided for not more than six hours in any one week or sixty hours in any one year. This amendment calls for four hours in any one week and forty-eight hours in any one year.

Furthermore, that bill provided in regard to minors: "but during her minority, the consent of her parents, or one of them, or guardian, shall be first obtained." This is not in my amendment, and in my judgment it should not be permitted that minors should be overworked or worked extra time, even with the consent of their parents or guardian.

I believe that it is the prevailing sentiment of this House—or conviction I will say—that if we are to pass, as we undoubtedly shall, a 54-hour bill, it should not be so drawn as to affect manufacturers, or employees to too great an extent. I also wish to make one other statement, that it is certainly a fact that the manufacturers in this State of Maine, especially at the present time, cannot afford to pay their employees the same wages for 54-hours that they are now paying for 58. That being the case, if a petition was fairly circulated among these people, there is no question as to how they would vote.

Mr. McCARTY: Mr. Speaker, just a word in order to correct the impression of the gentleman from Dexter, Mr. Fay. His amendment provides that "Section 48 of Chapter 40 of the Revised Statutes is hereby repealed." Section 48 of the Revised Statutes is a general section providing for the employment of women and minors in manufacturing establishments sixty hours a week, males and females, etc. His bill, or his amendment, provides for the repeal of that Section 48. Section 50 of that same Chapter 40 provides the penalty for violations of Section 48. Now if Section 48 is repealed. Section 50 is providing a penalty for something that is not in existence. So that this amendment here is entirely without remedies, and any

violator of the law, any employer who sees fit to violate any of the provisions of this law, is entirely free from any prosecution under the terms of this amendment.

Mr. JORDAN of Baileyville: Mr. Speaker and gentlemen of the House: Being a member of the committee on labor, which made a unanimous report on House bill 328, it appears to me to be my duty, and an opportune time, to defend this bill against the ravages it seems to meet from those who are trying to introduce something which is not especially desirable, and not especially put forth before our committee. I would say that the committee was in session from 2 P. M. until 6.18 P. M. and we listened to various gentlemen who were proponents of the bill, and many more who were opposed to it. We heard them fully and listened to them with a great deal of interest. We remained in session until everybody was heard, and fully heard, on this matter. After hearing all of the various men who spoke for and against the bill, we took the matter into executive session, and all ten of the men on the committee, without one dissenting voice, absolutely agreed on the new draft of House bill 328 as presented. That being the case, I believe it fair to assume, gentlemen, that the committee on labor have some idea of the requirements, and some idea of what the proponents and those opposed to the bill desired; and, after weighing each and every one of the testimonies individually, separate and apart, and after going over the whole thing very carefully, and after re-weighing and summing up, we decided that House bill 328, or the report, the unanimous report of the committee, was what was desired. Therefore I beg of you gentlemen at this time to see to it that this amendment does not prevail.

The SPEAKER: The question before the House is on the adoption of House amendment A, (House Document 632,) to House Document 328. The yeas and nays have been called for. All those who desire the yeas and nays will rise and stand.

A sufficient number arising, the yeas and nays were ordered.

The SPEAKER: All those in favor of adopting House Amendment A,

when their names are called will answer yes; all those opposed to the amendment will answer no. The Clerk will call the roll.

YEA—Albert, Benn, Bonney, Brann, Cobb, Daigle, Danforth, Evans, Fay, Ford, Hanson of Saco, Hanson of Sanford, Higgins, Hill, Ranney, Sanborn, Snow, Thombs, Tobey, Washburn, Wise—21.

NAY—Allen, Ames, Averill, Ballard, Beal, Bernier, Blake of New Gloucester, Blake of Oakland, Bourque, Bradbury, Bragdon, Brawn, Brown of Auburn, Brown of New Sharon, Bussey Campbell, Carson, Chadbourne, Chamberlin, Clement, Clifford, Coffin, Colcord, Connellan, Corliss, Currier, Davis, Descoteaux, Dilling, Douglass, Drapeau, Drummond, Durgain, Dutton, Edwards, Ellis, Erskine, Fossett, Gallagher, Gerrish, Gilmour, Goldthwait, Gooding, Goodwin, Gould, Grant, Groaton, Greeley, Greenlaw, Greenleaf, Haraden, Harper, Hart, Haskell, Hobbs, Hodgkins, Holt of Skowhegan, Jameson, Jordan, Lawrence, Leader, Lewis, Libby, Lombard, Lord, Mansir, McCarty, McCarrison, McCurdy, McKinley, Meader, Michaud, Millett, Mitchell, Morrison, Morse, Mulligan, Mullin, Nelson, Newell, Nicholas, Noyes, O'Connell, Peabbles, Perham, Perkins, Peterson, Picher, Pierce of Farmington, Pierce of Houlton, Plummer, Pollard, Ricker, Russell of Alfred, Russell of Lewiston, St. Clair of Calais, St. Clair of Rockland, Small Smith, Tabbutt, Tate, Thibodeau of Port Kent, Towle, Trafton, Turner, Tuttle, Varney, Ward, Wasgatt, Watts, Webb, Welch, Wescott, Wilkins, Wilson, Woodman, Wyman—117.

ABSENT—Besse, Chaplin, Connors, Holt of Gouldsboro, Littlefield, Maxwell, McIntire, McNally, Roberts, Robinson, Ryder, Waterhouse, Wheeler—13.

The SPEAKER: Twenty-one having voted yes, 117 having voted no, the amendment is lost.

On motion by Mr. Fay of Dexter, House Document 495, bill, "An Act relative to employment of women and minors," had its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House Senate Document 150, "An Act to equalize the salaries of the judges of probate," tabled by Mr. McCarty of Lewiston pending the adoption of House Amendment A. to amend by striking out the word "twelve" in the fifth line thereof, and inserting in lieu thereof the word "fifteen."

On motion by Mr. Connellan of Portland the bill and amendment were tabled, and specially assigned for con-