

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

ductor of said trip shall be required to complete the trip."

Mr. FLAHERTY: I move it be adopted.

The PRESIDENT: The motion is already before the Senate.

The question being on the adoption of Senate Amendment "B" to Senate 263, the amendment was adopted.

Mr. AMES of Waldo: Mr. President, I offer Senate Amendment "C," and move its adoption.

Senate Amendment "C" to Senate 263: "Amend by inserting after the word 'in' in Section 3 the word 'Washington.'"

Mr. AMES: The amendment puts Washington county in the exceptions, as well as Aroostook and Somerset.

Mr. FLAHERTY: Without boring the senators any longer, and without any speech on this matter, I will say that this amendment is exactly similar to that offered in regard to York county, and I hope and trust that the Senate will refuse to adopt that amendment.

The question being on the adoption of Senate amendment "C" to Senate 263, a rising vote was taken, and 13 senators voting yes, and 13 voting no, the President directed that his name be called, whereupon he voted no. Thirteen senators having voted yes and 14 having voted no, the amendment was rejected.

Upon motion of Mr. Flaherty of Cumberland the bill as amended was then passed to be engrossed and sent down for concurrence.

The President laid before the Senate House Document No. 495, An Act relative to the hours of employment of women and minors.

The PRESIDENT: The pending question is the adoption of Senate Amendment "A".

Senate Amendment "A" to House Document No. 495:

Amend House Bill No. 495 by striking out all of said bill after the enactment clause and inserting in the place thereof the following:

Section 1. Section 48 of Chapter 40 of the Revised Statutes, as amended by Chapter 70 of the Public Laws of 1909, and Chapter 55 of the Public Laws of 1911 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 10th line and inserting in place thereof the word "fifty-four," so that said section when amended shall read as follows:

'Sect. 48. No female minor under eighteen years of age, no male minor under sixteen years of age, and no woman shall be employed in laboring in any manufacturing or mechanical establishment in the State, more than nine hours in any one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-four in a week; and no male person sixteen years of age and over shall be so employed as above more than nine hours a day during minority, unless he voluntarily contracts to do so with the consent of his parents, or one of them, if any, or guardian, and in such case he shall receive extra compensation for his services; provided, however, that any female of eighteen years of age or over, may lawfully contract for such labor for any number of hours in excess of nine hours a day, not exceeding six hours in any one week, or sixty hours in any one year, receiving additional compensation therefor; but during her minority the consent of her parents, or one of them, or guardian, shall be first obtained. Nothing in this section shall apply to any manufacturing establishment or business the materials and products of which are perishable and require immediate labor thereon to prevent decay thereof or damage thereto.'

Mr. SWIFT of Kennebec: Mr. President, as a member of the committee I rise to oppose the adoption of this amendment, which in reality is not an amendment, but the substitution of another bill, which, if you have carefully followed the reading of the amendment in reality makes it more than a fifty-five hour bill, which you will note.

If you will read this Senate 371, from line 22 to line 33 inclusive, you will note

that it allows eight hours in excess of fifty hours a week.

Now if there is a bill which should receive unanimous passage at the hands of this legislature, it is a bill which will limit the hours of labor for women and children to fifty-four hours a week. Your committee gave this an extended hearing, lasting from two o'clock until half-past six, and after the hearing they labored long and faithfully in executive session. It is true they were not all of the same mind, but they finally agreed upon the bill as reported, feeling it was fair and just to all.

This is not a party measure, for planks were placed in the platforms of all the political parties represented in this Legislature, pledging the members to the enactment of such a law. I believe every member of this Legislature intends to stand by his party platform, and desires to support a fifty-hour bill. Now, this being true, let us pass a bill which will be a real law, which will increase respect for the law and for the lawmakers. We cannot fulfil our party pledge by voting for or passing a law which makes so many exceptions that it is nothing but a mere makeshift.

I believe that this bill as reported by the committee is a fair and just one, and I would be the last man in this Legislature to advocate the enactment of any law which would cripple, in any way, the great industries of our State. This bill will not do so. If you will carefully read the bill—I think the original bill reported by the committee is House 228—you will find that it does not. In talking with a member of this Legislature the other day he expressed himself as very much opposed to the bill. I asked him to read it. After reading it he said he had no objections; he had been misinformed in regard to its provisions.

I also ask you to remember that this bill applies to women and children only. It has been stated that there is no demand for this bill. I would call your attention to the fact that original bill as introduced was brought here with the petitions of more than twelve thousand voters of this State, and had it been the desire of the proponents of the bill, they would very easily have initiated it, as

they had the necessary number of signatures.

It has also been stated that the women and children do not want it, the working women and children. This may be true in some cases, but I believe that as a rule they do. The fact that it appeared in the political platforms of all the political parties of this State would indicate that there is a widespread demand for it. I believe the working women and children of this State ask for and demand it.

It is asked for and demanded by all the churches, and their allied organizations, by the Maine State Grange, and by every philanthropic organization in this State. I feel that a discussion of the wisdom and desirability of passing a fifty-four hour law is unnecessary, for I think we are all agreed upon that. I would, however, call your attention to the fact that the House passed the bill as reported by a vote of 117 to 21, and I trust that the report of the committee will be sustained by this body in the same proportion.

Mr. DUNTON of Penobscot: Mr. President and Fellow-Senators: My sympathy is always with labor to such an extent that I feel constrained to say a word against this amendment.

This bill was brought here by the labor interests, in the interests of their people. They came before you in their humble way, and the other side was represented by able lawyers, hired by we knew not who. They presented to your committee, and your committee reported, this law as it appears here. You have been told how it was passed in the House of Representatives, and the amendments that were tried to be adopted there; and this amendment that comes from the Senator from Piscataquis is not an amendment, but it is the bill which was defeated in this legislature two years ago, practically every line the same. Why that should be brought in here to take the place of a bill that the laborers of this nation have formulated since is more than I know.

I don't wish to cast any reflection upon anybody, or any influence, or any bill, but I do wish to say a word upon this question, perhaps a little different from what any other senator has urged here,

and I wish to speak a word along these lines.

This is not the first time that bills have come here to shorten the hours of labor, and they have always been met by more or less opposition, and I think I can safely say, without controversy, that there has never been a bill passed to shorten the hours of labor but what those who opposed it have been benefited as much as those who advocated it.

Today we have got things to contend with, which, in our contention—and this bill perhaps diverts our attention to it as much as anything—concern the efficiency of labor. Hours have been reduced from twelve to eight, and our shelves in our storehouses are loaded with merchandises, and our streets are full of idle men. There seems to be a cause for this, and I have no reason to doubt it, and the cause is that labor is so efficient and so poor that it can't buy its own product. We have builded as no people ever built before. We have made fabrics and other things that gratify human desires better and faster than any people in the world, and if we cannot buy them, in the name of heaven let us reduce the hours of labor every chance we get, so that we won't make so many we will be burdened with them.

This bill relates wholly to women and girls. I believe it does give them a right to contract, which, if I had my making of it I would object to. Necessity sometimes makes a bad contract for one side or the other. This bill reduces the hours of labor in the State of Maine about an hour a day. It lets your girls of sixteen have one more hour of daylight and recreating. It lets our women have one more hour to go out and enjoy the blessings that surround us. It seems to me a vote in the right direction, to make a more perfect motherhood, and anything that prolongs the hours of labor of your women is a blow to perfect motherhood, and when you refuse to improve your perfect motherhood you are refusing to let your nation and your State grow better.

This bill comes to us from the labor interests of those who toil, and they ask you to reduce their hours of labor from fifty-eight to fifty-four. It is but a little, and I hope that the amendment which is

sought to be placed upon this bill will not prevail. I want you to vote so that hereafter you will feel that you have done a little towards alleviating the sufferings of those who perhaps have had to toil a little harder than you have.

Mr. DURGIN of Piscataquis: Mr. President: I suppose I ought to make my position clear, after having presented the amendment. I say to this Senate that I presented it as an act of senatorial courtesy to the gentleman who asked me to present it.

I have made no study of the labor question; being an attorney who works from sixteen to eighteen hours a day, I have had no time to study matters affecting those who labor nine or ten and don't want to work but eight. I presume if I were a walking-delegate I could tell you all about it, but I am not.

Now this amendment which I presented, I understand or am informed is the bill that was presented two years ago, and was acceptable to the labor interests. I may have been misinformed; I have been lots of times before now. It is true that it was defeated—I don't know whether I am right or not—but it was defeated and a mongrel thing installed in its stead, which was neither fish, flesh nor fowl, and that nobody asked for, but which was a sort of mongrel party obligation.

Now I don't know whether this amendment ought to be passed or not. I have looked it over very carefully, and it seems to me that it takes care of the interests of labor fairly, that it is a good law, and I for one, from my limited study of the matter, believe that it ought to pass, and I hope that it will.

Mr. SWIFT of Kennebec: Mr. President, when the vote is taken, I ask that it be taken by yeas and nays.

Mr. COLBY of Somerset: Mr. President, before the vote is taken, if in order, I would like to have the senator from Kennebec explain to the Senate—I am not clear on it—how he makes it that this amendment makes a fifty-five hour week. I stand for a fifty-four hour law, and while I favor the amendment I don't want to vote for a fifty-five hour week amendment.

Mr. SWIFT: I will ask the senator from Somerset to turn to Senate Docu-

ment No. 371, and read the lines from line 23 to line 33 inclusive:

"Unless he voluntarily contracts to do so with the consent of his parents, or one of them, if any, or guardian, and in such case he shall receive extra compensation for his services; provided, however, that any female of eighteen years of age or over, may lawfully contract for such labor for any number of hours in excess of nine hours a day, not exceeding six hours in any one week" which makes it sixty hours in a week, "or sixty hours in any one year," which makes it fifty-five hours a week, or makes it eight hours in excess of fifty-five hours a week, for the year; "receiving additional compensation therefor; but during her minority the consent of her parents, or one of them, or guardian, shall first be obtained."

Now, I think, Mr. President, that any one who is in any way familiar with labor conditions knows that it is an easy matter to obtain the consent of the parent or guardian for over-time work like this. In fact you will find in many cases men who are glad and willing to sit in a chimney-corner and smoke their pipes and sign a contract for their wives and daughters to go into our mills and work that they may live in idleness.

If I have not fully answered the question of the Senator from Somerset, I should be glad to go into it further.

Mr. EMERY of York: May I be permitted to ask the Senator from Kennebec, Senator Swift, one question?

The PRESIDENT: The Senator from York wishes to inquire of the Senator from Kennebec? Does the Senator from Kennebec, Senator Swift, yield for that purpose?

Mr. SWIFT: I would be very pleased to answer any inquiry I may be able to.

Mr. EMERY: I would like to ask if, provided the employees saw fit to take advantage of every hour over-time allowed by this amendment, whether it would make more than ten weeks' over-time, one hour over-time, in the whole year, wouldn't it? It says not exceeding sixty hours in any one year, and six hours in any week. Ten times six is sixty.

Mr. SWIFT: Yes, but that would give you, Senator Emery, fifty-five hours in a week, provided they wished to take it all up.

Mr. EMERY: For ten weeks only.

Mr. SWIFT: I can't see why it doesn't. If you have sixty hours extra time allowed in the year, and fifty-two weeks in a year, I fail to see why it doesn't give you fifty-five hours a week, and eight hours over.

Mr. EMERY: I understood you to say that they were allowed to work one hour per day, and six hours in one week.

Mr. SWIFT: Isn't that the provision of this bill, in line thirty?

Mr. EMERY: Not as I understand it.

Mr. SWIFT: "Not exceeding sixty hours in any one week." If they work six hours extra in one week, in ten weeks they will work sixty hours.

Mr. EMERY: Yes.

Mr. SWIFT: That is the limit, isn't it?

Mr. EMERY: Yes, but perhaps I don't get exactly what you are trying to get at.

Mr. SWIFT: I see no provision in this bill whereby it is anything but sixty hours excess time in a year, and that would allow fifty-five hours in a week.

The question being on the adoption of Senate Amendment "A" to House Document No. 495, the yeas and nays were called for, and the Secretary called the roll.

Those voting yea were Messrs: Ames, Bartlett, Boynton, Chatto, Clark, Colby, Cole, Conant, Durgin, Emery, Jillson, Peacock—12.

Those voting nay were Messrs: Allen, Burleigh, Butler, Danton, Flaherty, Fulton, Garcelon, Herrick, Leary, Moulton, Murphy, Price, Scammon, Swift, Thurston, Walker, Weld—17.

Absentee—Hastings.

Twelve Senators having voted in favor of the adoption of the amendment and seventeen opposed, the amendment was rejected.

The bill was then passed to be engrossed.

The President laid before the Senate, House 450, An Act for the prompt payment of Poli Taxes.