

HOUSE No. 22

The Commonwealth of Massachusetts

DEPARTMENT OF LABOR AND INDUSTRIES,
STATE HOUSE, BOSTON 33, November 3, 1954.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled.

In accordance with the provisions of section 33, chapter 30 of the General Laws, as amended by chapter 67 of the Acts of 1948, I herewith submit recommendations of the Commissioner of the Department of Labor and Industries for the year 1955, together with drafts of bills embodying the legislation recommended. The bills have been submitted to the Counsel for the House of Representatives for advice and assistance as to the form thereof.

Very truly yours,

ERNEST A. JOHNSON,
Commissioner.

RECOMMENDATIONS.

AN ACT REMOVING THE RESTRICTION ON EXPENSES INCURRED IN THE ADMINISTRATION OF THE "MOTOR FUEL SALES ACT," SO CALLED.

The reason for this proposed legislation is that paragraph 3 of section 295B of chapter 459 of the Acts of 1939 limits the expenses incurred by the Division in the enforcement of this law to receipts from licenses.

AN ACT INCREASING THE LICENSE FEE UNDER THE "MOTOR FUEL SALES ACT," SO CALLED.

Due to increased costs of operation of the Division, expenses are now in the neighborhood of \$1,500 less than receipts, and, in the event of a decrease in licenses issued which may arise because of business conditions, our expenses would be in excess of receipts. We should, therefore, either amend the law so as to strike out this paragraph or amend it so as to increase the license fees.

AN ACT REDUCING THE MEAL PERIOD REQUIREMENT FOR WOMEN AND CHILDREN.

The half-hour lunch period has become an accepted practice, both from desire of employers and employees, and from necessity, in order that two eight-hour shifts may be worked between six o'clock in the morning and eleven o'clock in the evening, between which hours employment is now permitted. It appears to be advisable, therefore, to reduce the present statutory forty-five minute requirement to thirty minutes.

AN ACT CLARIFYING THE STATUTE REQUIRING THE PAYMENT OF MINIMUM WAGES ON PUBLIC WORKS PROJECTS.

The present statute which provides for the determination by the Commissioner of Labor and Industries of minimum wages to be paid to persons employed by a contractor in the construction of public works, has been found by one of

our courts to be inapplicable to the use of prison labor on such work. This proposal would correct that inadequacy and would also change the penalty for failing to pay the determined wages from a contract action to recover double the difference to a criminal penalty, in keeping with other violations of the statute.

AN ACT PERMITTING THE EXEMPTION OF MECHANICAL ESTABLISHMENTS FROM THE THIRTY-MINUTE MEAL PERIOD REQUIREMENT.

This bill would add mechanical establishments to those which may be exempted by the Commissioner of Labor and Industries from the thirty-minute meal period requirement when necessary because of the continuous nature of the work in such establishments or other special circumstances. The addition is necessary to make this section complete.

AN ACT FURTHER DEFINING "EMPLOYMENT" UNDER THE LABOR LAWS TO INCLUDE THE PREPARATION AND MARKETING OF CROPS.

The present statute exempts employment in the "preparation and marketing of crops" from the labor statutes. People in this type of employment, which is distinguished entirely from agricultural employment and is similar to many types of work in mechanical establishments and subject to the same hazards, are deprived of the protection afforded by our statutes to others engaged in the same type of work, sometimes in the same building, merely because the product does not happen to be "crops." This cannot be reconciled, and this change is recommended.

AN ACT CORRECTING THE STATUTES REGULATING THE EMPLOYMENT OF CHILDREN.

Section 60, of chapter 149 of the General Laws, prohibits the employment of a child under sixteen years of age, except with an employment permit, "in a pool or billiard room," and "in any contract or wage-earning industry carried on in tenement or other houses." These same types of em-

ployment are prohibited entirely in sections 61 and 147A, respectively. In order to prevent confusion which might arise in the minds of employers, it is advisable to repeal this superfluous inclusion in section 60.

AN ACT BROADENING THE APPLICATION OF THE LABOR STATUTES.

The present coverage of "industrial establishments" limits the application of the statutes governing employment to those enumerated in the definition. It is recommended that this be changed by adding at the end of the definition the words "and all places of employment except private dwellings," in order that the protection given by the statutes to employees will not be lost to some because of lack of inclusion in the coverage.

AN ACT CORRECTING THE WEEKLY PAYMENT OF WAGES STATUTE.

When the present law was enacted, the standard work-week was six days, and the present five-day week was not contemplated and therefore not mentioned in the statute. As a result, the law does not technically apply to those persons who work the current shorter week whose wages are not paid weekly by their employers. This change is necessary to bring the statute up to date.

AN ACT REQUIRING THE PROPER SHORING OF TRENCHES.

The present statute is indefinite and therefore difficult, if not impossible, to administer. The proposed bill is offered in order that employers, and this department, will have a statute which is clear enough to enforce.