

SENATE No. 4

To accompany the petition of Edward A. Filene and others that provision be made for codes of fair competition for trades and industries and for agreements, licenses, rules and regulations as affecting intrastate commerce within the Commonwealth pursuant to the provisions of the National Industrial Recovery Act. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Four.

An Act to provide for Codes of Fair Competition for Trades and Industries and for Agreements, Licenses, Rules and Regulations as affecting Intrastate Commerce within the Commonwealth of Massachusetts pursuant to the Provisions of the National Industrial Recovery Act.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose as a measure of relief in the
3 existing emergency, therefore it is hereby declared to
4 be an emergency law, necessary for the immediate
5 preservation of public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. A national and state emergency pro-
2 ductive of widespread unemployment and disorgani-
3 zation of industry and commerce which affects the
4 public welfare and undermines the standards of living

5 is hereby declared to exist. The existence in this com-
6 monwealth of such present economic emergency and
7 the effects and certain causes thereof as declared in
8 section one, title one of the National Industrial Re-
9 covery Act enacted by the congress of the United
10 States effective June sixteen, nineteen hundred thirty-
11 three are hereby recognized and it is hereby declared
12 that said emergency and the causes and effects thereof
13 as so declared relate as well to trade, industry and
14 commerce in this state wholly intrastate in character.
15 It is hereby declared to be the policy of this common-
16 wealth to co-operate in the furtherance of the objects
17 and purposes declared in said act of congress and to
18 make uniform the standards of fair competition pre-
19 vailing in intrastate commerce in this commonwealth
20 which are required by the provisions of said National
21 Industrial Recovery Act and which are applicable in
22 interstate and foreign commerce.

1 SECTION 2. The state secretary is hereby author-
2 ized to receive for filing and shall file as a public record
3 in the office of the department of the state secretary a
4 copy of each code, agreement, license, rule or regulation
5 in effect pursuant to such act of the congress, pertain-
6 ing, affecting or in any way relating to the conduct of
7 business in the state and duly certified as a true copy
8 of such document or documents by the officials in
9 charge of the administration of the provisions of title
10 one of the said National Industrial Recovery Act or
11 by their duly authorized agents. Upon such filing of a
12 copy so certified of a code of fair competition for any
13 trade, industry or subdivision thereof, as approved by
14 the President of the United States, or of any agreement

15 or license or of any rule or regulation provided for
16 under title one of the said National Industrial Re-
17 covery Act, such code, agreement, license, rule or
18 regulation shall be the standard of fair competition
19 for such trade or industry or subdivision thereof in the
20 state as to transactions intrastate in character, and
21 any violation of any provision of such code, agreement,
22 license, rule or regulation shall be a misdemeanor, and
23 upon conviction thereof, the person convicted shall
24 be fined not more than five hundred dollars for each
25 offense, and for each day such violation continues a
26 separate offense subject to the fine herein prescribed
27 shall be deemed to have been committed.

1 SECTION 3. The license required of and obtained
2 by any person pursuant to paragraph *b* of section four
3 of said National Industrial Recovery Act shall be
4 deemed to include business engaged in or carried on
5 by him of a wholly intrastate character and with re-
6 spect thereto such person shall be subject to all the
7 terms and conditions expressed therein and shall be
8 entitled to all the privileges and immunities granted
9 thereby. The failure to obtain such a license or the
10 suspension or revocation by the president of the
11 United States of any such license shall preclude such
12 person from engaging in or carrying on any business of
13 a wholly intrastate character. Any person who en-
14 gages in or carries on any business within this com-
15 monwealth in violation of this section shall, upon
16 conviction thereof, be fined not more than five hun-
17 dred dollars and for each day such violation continues
18 a separate offense subject to the fine herein prescribed
19 shall be deemed to have been committed.

1 SECTION 4. The superior court of the common-
2 wealth of Massachusetts is hereby invested with juris-
3 diction to prevent and restrain violations of any code
4 of fair competition, agreement, license, rule or regu-
5 lation filed pursuant to this act and to prevent and
6 restrain the commission within this commonwealth
7 of any act tending to defeat or hamper the operation
8 and effectiveness within the state of said National
9 Industrial Recovery Act, at the instance of any party
10 whose interests are or may be adversely affected by
11 such violations or acts, provided however, that noth-
12 ing herein shall affect the criminal liability imposed by
13 this act for violations of such codes, agreements,
14 licenses, rules or regulations.

1 SECTION 5. While this act is in effect and for sixty
2 days thereafter any code, agreement, license, rule or
3 regulation in effect under this act and any action
4 complying with the provisions thereof taken during
5 such period shall be exempt from the provision of the
6 anti-trust laws of this commonwealth (sections one
7 to fourteen of chapter ninety-three, General Laws, and
8 amendments thereto) or of any other provision of law
9 to the extent that such provision of law is inconsistent
10 with the provisions of such code, license, rule or regu-
11 lation. Nothing herein contained, however, shall be
12 construed in any way to alter, modify or affect the
13 provisions of existing laws in this commonwealth in
14 such manner as to permit any change in public utility
15 rates except with the permission and approval of the
16 public utilities commission or to lower the standards
17 provided by such laws with regard to labor, hours of
18 labor, wages for labor and employment of women and
19 children.

1 SECTION 6. Any person not a member of any trade
2 or industrial association, organization or group which
3 has entered into an agreement providing for a code of
4 business conduct as authorized under National Indus-
5 trial Recovery Act and approved by the President of
6 the United States or who has not executed and de-
7 livered the President's Re-employment Agreement or a
8 modification thereof as authorized under section four A
9 of said National Recovery Act of the United States
10 who displays or causes to be displayed the authorized
11 NRA card, poster or other authorized insignia of the
12 National Industrial Recovery Administration of the
13 United States at any place of business or in any other
14 way, manner or form shall be guilty of a misdemeanor.

1 SECTION 7. Every department, board, authority,
2 commission, public body or officer of the state or of any
3 political subdivision thereof charged with the duty of
4 letting or awarding contracts for the construction,
5 alteration or repair of public works or for the purchase
6 of materials or supplies shall, notwithstanding any
7 inconsistent provision of law, let or award such con-
8 tracts only to such persons or corporations otherwise
9 qualified who or which will agree in and by the terms
10 of such contract to use or supply only articles, ma-
11 terials and supplies which have been or will be pro-
12 duced, manufactured or supplied as the case may be,
13 by a person who is a party or subject to a code of fair
14 competition, agreement or license approved, pre-
15 scribed or issued under said National Industrial Re-
16 covery Act and who, in respect to such contract, will
17 agree to comply with all applicable provisions of such
18 code, agreement or license. Nothing herein contained,
19 however, shall be construed to alter, modify or affect

20 the provisions of sections forty-eight to seventy-eight
21 of chapter one hundred twenty-seven of General Laws
22 or amendments thereto.

1 SECTION 8. Nothing in this act shall prevent an
2 individual from pursuing the vocation of manual labor
3 and selling or trading the products thereof, nor shall
4 anything in this act prevent anyone from marketing
5 or trading the products of his farm.

1 SECTION 9. This act, insofar as it affects agree-
2 ments, codes, rules or regulations shall become ineffec-
3 tive contemporaneously with the expiration of the said
4 National Recovery Act as provided by section two,
5 paragraph *c* of said act and insofar as it affects licenses,
6 contemporaneously with the expiration of said Na-
7 tional Industrial Recovery Act as provided in section
8 four, paragraph *b* of said act.

