

Opinion No. 11.**Labor—Eight-Hour Day Law.**

HELD: Chapter 8, Laws of the Extraordinary Session, 1933-34, may be enforced and is sufficient to sustain a conviction for the violation thereof.

December 22, 1934.

Mr. C. F. Holt
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In yours of December 19, you state that the question has been raised as to Chapter 8 of the Laws of the Extraordinary Session, 1933-34, prescribing the hours of labor for persons employed in retail stores; that same is ambiguous in its language. This objection is certainly true; there is some ambiguity in connection with the law. However, I believe there is no question as to the validity of the law and that same is clearly enforceable.

Sections 3079 and 3080, R. C. M. 1921, fix the hours of labor for state

and municipal employees and for employees in mines and smelters. The same ambiguity exists in those statutes as in the statute you mention. The validity of the statute was questioned and upheld by the Supreme Court of the State of Montana in the case of *State v. Livingston Concrete Building and Manufacturing Company*, 34 Mont. 570. At page 576 of that opinion the Supreme Court makes the following statement:

"The history of labor legislation makes clear the evil to suppress which such statutes are enacted. It is the continuous employment of workingmen for such length of time as to imperil their lives or health that is sought to be avoided, and, in the interest of the general welfare of its citizens, the state undertakes to correct the evil as far as it may; or it may have been the purpose of the state to stamp with its approval the view now entertained by many, that, all things considered, the general welfare of workingmen, upon whom rests a portion of the burdens of government, will be best subserved if labor performed for eight hours continuously be taken as the measure of a full day's work; that the restriction of a day's work to that number of hours will so far promote the morality and improve the physical and intellectual condition of workingmen as to enable them better to discharge the duties of citizenship."

Following this clear exposition of the purpose of legislation, the court concluded that the employment of men in excess of eight hours per day constituted a violation of the statute by the employer and that a conviction under such statute was proper. This decision was approved in the cases of *State v. Hughes*, 38 Mont. 468; and *Melville et al. v. Butte-Balaklava Copper Co.*, 47 Mont. 1.

The decisions in these cases would be determinative of the question raised and, therefore, the statute may be enforced and is sufficient to sustain a conviction for the violation thereof.