

# MAINE STATE LEGISLATURE

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**PUBLIC DOCUMENTS**

OF THE

**STATE OF MAINE**

BEING THE

**REPORTS**

OF THE VARIOUS

**PUBLIC OFFICERS  
DEPARTMENTS AND  
INSTITUTIONS**

FOR THE TWO YEARS

**JULY 1, 1928 - JUNE 30, 1930**

**STATE OF MAINE**

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**REPORT**

**OF THE**

**ATTORNEY GENERAL**

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**for the calendar years**

**1929-1930**

Fifthly,—Criminal proceedings could be brought under P. L. 1917, Chapter 126, if the circumstances justified.

These possibilities involve an overlapping of jurisdiction between your department and the Public Utilities Commission which is more apparent than real. The jurisdiction of the Public Utilities Commission is exclusive in giving orders to public utilities except where a supply is actually contaminated and your board has jurisdiction under Section 125. You have, however, the power to enforce health regulations affecting private consumers by bringing criminal proceedings against a delinquent person other than a public utility, and by bringing the situation to the attention of the Public Utilities Commission for action under Section 48 of the Act when the circumstances so justify.

Very truly yours,

CLEMENT F. ROBINSON

Attorney General

#### 54-HOUR LAW

October 18, 1929

Hon. Charles O. Beals,  
Commissioner of Labor,  
Augusta, Maine

Dear Sir:

I have your inquiry regarding Section 1 of the Fifty-four Hour Law; your question is whether the word "apportionment" must be so interpreted as to prevent an employer from operating his plant a long enough period in the day to make up for a shortening of several hours on the sixth day, the result being that he operates the plant in the evening of one day entailing on that day a working day of twelve, thirteen or fourteen hours.

It is my opinion that such a procedure is certainly contrary to the spirit and intent of the Act, and almost as certainly contrary to its express wording.

I do not believe that it is "apportionment" to lump the extra hours into one day.

The courts have defined the word "apportionment" as meaning "assigning in just proportion." *Hearst v. Callaghan*, 257 Pac. 648, 649. Also as meaning division into just proportions. *Robbins v. Smith*, 72 Oke. 1—of a devise in a will. Also as meaning a division into parts. *Swint v. McClintock*, 184 Pa. 202. The word does not necessarily mean a division into *equal* parts. *Jones v. Holzapel*, 11 Oke. 405.

I conclude that in order to have the apportionment there must be some division of the extra time over several days, at least where the extra time to be divided is an appreciable amount.

Very truly yours,

CLEMENT F. ROBINSON

Attorney General