

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

4/12
February 6, 1950

Marion E. Martin, Commissioner of Labor and Industry
Re: Vacation Pay for Certain Employees

I trust you will excuse the delay in answering your memorandum on the above subject; but since its receipt this office has been intensely busy and Mr. Farris or myself has been called out of the office on official business on a number of occasions, so that the work has been more than one man can do.

Your memorandum raises questions to which the State has an administrative or executive agency, if not a real party in interest. Contract rights between individuals, whether the contract is by the individual personally or by virtue of his membership in an organization authorized to make a contract for him, will be determined by judicial procedures applicable to civil matters. What the particular obligations may be under the terms of any given contract is a matter for judicial construction or for arbitration by agreement between the parties.

In answer to your first question, there is no State law requiring a company under the terms of a union contract to pay an employee for his vacation, if he is laid off before he takes the vacation. It may well be that under the terms of the contract or by custom and usage the employee is entitled to the pay. The answer to the question is entirely within the terms of the contract, and not a matter of State law.

The same observations apply in answering your second question.

John S. S. Fessenden
Deputy Attorney General

jssf/c