

MAINE STATE LEGISLATURE

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April 19, 1951

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To Marion E. Martin, Commissioner of Labor and Industry
Re: "Public Building"

Replying to your memorandum of April 17, 1951, concerning the interpretation of Section 70, Chapter 25, R. S. 1944:-

You ask for an interpretation of this section of the law, specifically as to the meaning of "public building" and inquire,

"Does this include hotels and other commercial places catering to the public?"

Our answer is that "public building" does include hotels and the buildings attendant thereto; but the definition is not broad enough to cover in all cases other commercial places catering to the public.

In connection with interpreting so-called "safe place" statutes the Court in the case of Ericksen v. McKay, Supreme Court of Wisconsin, April 5, 1932, 242 N. W. 133, said:

"The negligence of the defendants is based on the alleged violation of the so-called safe place statute, which requires every owner of a public building (to which class the hotel undoubtedly belongs) to so construct, repair, or maintain the same as to render it safe."

Like or similar statutes have recited other buildings as belonging to the class of public buildings, instances being hospitals, court houses, jails, workhouses, buildings of the State, city public buildings, capitol or other buildings in the capitol grounds, executive mansion, State asylums, university buildings erected by the State buildings held for public use by any department or branch of government, state, county or municipal, restaurant, schoolhouse, bridge.

It has been held that when "public building" relates exclusively to buildings owned by the public as such, as the State Capitol, court houses, city halls, and the like, it does not include a church. 119 Georgia 531. Our statute is not thus constricted, as it specifically does include a church and so may have a broader interpretation.

Neal A. Donahue
Assistant Attorney General

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