

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

be transferred to the unorganized territory school fund. It therefore appears that when July 1, 1952 comes, if the present transfer remains unaffected, the Commissioner of Finance will be unable to do an act required of him by our statutes. It follows that of necessity our opinion must be that that fund transferred by journal entry in December, 1951, must be re-transferred back to the Treasurer of State and credited to the funds for Lands Reserved for Public Uses, so that it may, in accordance with Chapter 260, be transferred by the Commissioner of Finance at the beginning of the 1952-1953 fiscal year.

JAMES G. FROST  
Assistant Attorney General

February 12, 1952

To Carl T. Russell, Deputy Commissioner of Labor and Industry  
Re: Fifty-Four Hour Law

We have before us a letter which asks if stenographers and other clerical office workers are covered by Section 22 of Chapter 25, R. S. 1944, as amended.

Consideration cannot be given to Section 22 alone, but those provisions exempting certain employees from the provisions of Section 22 must also be considered.

Section 24-A states that the provisions of Sections 22-26, inclusive, shall not apply to any female working in an executive, administrative, professional or supervisory capacity or to any female employed as personal office assistant to any person working in an executive, administrative, professional or supervisory capacity, and also provides for other exemptions not here pertinent.

With respect to the interpretation of Section 24-A we refer you to an opinion written on June 7, 1948, by Ralph W. Farris, then Attorney General, which opinion would seem to answer the present question. That portion of Mr. Farris's opinion with which we are interested reads as follows:

"In my opinion this statute does not apply to all office workers, but only to those who are personal office assistants to any person working in an executive, administrative, professional or supervisory capacity. Many file clerks, bookkeepers, stenographers, etc., in mercantile establishments, stores, restaurants, laundries, telegraph offices, etc., may not be personal office assistants to these persons enumerated in Section 24. In my opinion it is a matter of administration in your office, as to whether or not a certain stenographer or file clerk is a personal office assistant to those exempted under the language of the statute. I will admit that the language of the statute is very broad and might cover stenographers and file clerks, if the facts disclosed that they were personal office assistants to those persons enumerated in Section 24."

From a consideration of the above quoted paragraph from Mr. Farris's opinion it would appear that your department has administrative responsibility in ascertaining which particular individuals are exempted by reason of Section 24-A.

JAMES G. FROST  
Assistant Attorney General