

MAINE STATE LEGISLATURE

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Yes

June 8, 1953

To Marion Martin, Commissioner of Labor and Industry
Re: "Attendant"

This office has been asked for an interpretation of Section 17-A of Chapter 25 of the Revised Statutes, as amended:

"No minor under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any . . . commercial place of amusement. . . in any theatre or moving picture house as usher or attendant. . ."

You state that your present problem is with respect to minors who work selling icecream, candy and popcorn at drive-in theatres and in the foyers of moving picture houses. You state that it is your understanding that the drive-ins will be covered under commercial places of amusement and that it would seem to you, reading the section as a whole, that such employees and concessionnaires would be covered by this law, and that no one under 16 should be employed, permitted or suffered to work in or about such drive-in theatres. You further ask if the attendants working in the foyers of moving picture houses would be included under the prohibitions of this section.

Reading Section 17-A, we believe that the prohibition with respect to theatres would read as follows:

"No minor under 16 years of age shall be employed. . . in any theatre or moving picture house as usher or attendant or in or about a

[projection booth."

The legal definition of "attendant" is here quoted: "One who owes a duty or service to another or in some sort depends upon him." Bouvier's Law Dictionary.

It is our opinion that, special reference having been made to theatres, the prohibition running against employment as usher or attendant at such theatre would not come within the definition of commercial place of amusement and that therefore the limitation against the employment of minors under 16 years of age, relative to employment in theatres, is limited to usher or attendant and to employment in the projection booth.

The last clause in Section 17-A relative to employment in or about a moving picture house as usher or attendant remains unchanged, and the amendment including commercial places of amusement does not in any way affect the prior opinions of this office relative to the definition of the word "attendant" as we understand the meaning of that word.

James Glynn Frost
Deputy Attorney General;

jgf/c