

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

We do not say that a Council Order may not be evidence of an encumbrance. For instance, a Council Order accepting a bid, which bid has been duly and properly received, would be a further step in firmly encumbering a sum of money needed in anticipation of a contract to be executed as a result of the acceptance of the bid.

We are saying that, in the absence of a particular transaction resulting in a legal obligation on the part of the State, a Council Order merely intending to carry forward a sum of money from one fiscal year to the next, would not, in our opinion, constitute a legal encumbrance.

ALEXANDER A. LaFLEUR

Attorney General

July 13, 1953

To Marion Martin, Labor Commissioner

Re: Employment of Minors in Garages and Filling Stations

We have before us a request from your department for an opinion as to whether or not garages and filling stations, either with or without grease lifts, or other mechanical devices, come within the term "mechanical establishment" as used in Section 2 of Chapter 290, P. L. 1949, which prohibits employment of minors under 16 years of age in certain business establishments.

The test for a manufacturing or mechanical establishment is, according to the authorities, whether or not the mechanical element predominates. The mere fact that machinery, mechanical labor or mechanical appliances are used does not necessarily characterize the establishment as a mechanical one.

It therefore appears that a distinction should be made between garages and filling stations. A garage is normally a place where repairing and storing of motor vehicles is carried on. A filling station is a place where the principal business is the sale of gasoline and motor oil.

It is therefore the opinion of this office that garages are within the prohibition of the section referred to and are not suitable places for children to work. Filling stations, however, would not be within the prohibitions of the section and are suitable.

JAMES G. FROST

Deputy Attorney General

July 27, 1953

To General Spaulding Bisbee, Director, Civil Defense

Re: Compensation of Auxiliary Firemen

Your memorandum of July 8th propounds questions relative to Section 20 of Chapter 298 of the Public Laws of 1949, having to do with compensation for injuries received in line of duty.

You say that a question arises as to whether or not auxiliary firemen who are sent out to fight a forest fire and who are members of the Civil Defense would be protected by the fact that the mission was called a training period.