

MAINE STATE LEGISLATURE

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October 7, 1953

To Marion E. Martin, Labor Commissioner
Re: Inquiry from McHugh Associates

The rather general nature of the questions presented makes it difficult to answer them with any degree of certainty.

The question relative to severance pay can be answered by the statutes. There is no compulsory severance pay in this State, but the employer and employee are expressly authorized to contract for such under the terms of Section 39, Chapter 25, R. S. 1944.

The question relative to the meaning of the term "manufacturer" is very difficult to answer, especially where no reference has been made to any specific statute. If the question relates to the term as used in Section 38 of Chapter 25, the weekly payment of wage law, so-called, we might well say that salesmen do not come within the meaning of that term, as this is a penal section, to be strictly construed. But without a doubt salesmen come within the term "mercantile" as used in the same section, so the result is the same. If reference is to the term "manufacturing" as used in Section 39 of said chapter, it is entirely possible that the term in that sense might well include salesmen, as this is a remedial statute and every effort would be used to include everyone to allow them the benefits of the law. Further, as above noted, Section 39 is a permissive act.

Roger A. Putnam
Assistant Attorney General

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