

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

August 18, 1955

To William B. Oliver, State Conservationist

Re: Improvements

. . . You ask if a Soil Conservation District has the authority to carry out, maintain and operate works of improvement as defined by Section 2 of Public Law 566, Chapter 65, H. R. 6788 of the 83rd Congress.

The answer is, Yes. The authority is given to a Soil Conservation District under Section 7 of Chapter 34, R. S. 1954, subsection I, as follows:

“To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands.”

I believe that this paragraph is particularly pertinent and do not quote the subsections conferring other powers upon such districts.

FRANK F. HARDING
Attorney General

August 30, 1955

To Labor and Industry

Re: Employment of Minors in Hotels and Restaurants

. . . You state that routine inspections have turned up two situations on which you would like to have our opinion:

“First, in the case of a hotel dining room which is leased by the hotel ownership to another person who operates said dining room as a restaurant, with no relationship to the hotel except that it is on the premises, should the dining room be considered part of the hotel and subject to a minimum age of 16 years (Sec. 23) or an eating place, subject to a minimum age of 15 years (Sec. 25)?

“Second, where a hotel ownership operates a hotel, that is, sleeping rooms, lobby, etc., in one building and a dining room in another building, next door or across the street, should the dining room be considered strictly an eating place (Sec. 25) or as part of the hotel (Sec. 23)? If it is a question of distance, how far away should the eating place be before it would not be considered part of the hotel?”

In answering these questions the words of the statutes must be considered along with the evil or danger which the legislature, by enacting such statutes, was attempting to avoid.

Section 23 of Chapter 30, R. S. 1954, provides:

“No minor under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any . . . hotel.”

Section 25 of Chapter 30, R. S. 1954, provides:

“No child under 15 years of age shall be employed, permitted or suffered to work in, about or in connection with any eating place. . .”