

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

The gist of these decisions can be summarized by the statement taken from *Parker v. Riley* as follows:

“Where a statute merely makes available new machinery and new methods by which particular legislators may keep themselves informed upon specific problems, it cannot be said to have imposed upon them any new office or trust.”

It would only be fair to note that there is a case holding that a committeeman on the Montana Legislative Council holds a civil office. This is *State v. Holmes* (Mont.) 274 P. 2d 611. The Court gave no reason for its conclusion, and it is our conclusion that the majority of cases hold such a position not to be a civil office and that this is by far the better view. Consequently it is our opinion that we do not perceive any constitutional or statutory prohibition regarding the payment of expenses and per diem to the members of the 97th Legislature who became members of the Legislative Research Committee by virtue of the provisions of Chapter 381 of the Public Laws of 1955.

ROGER A. PUTNAM
Assistant Attorney General

September 27, 1955

To Marion Martin, Commissioner of Labor and Industry

Re: Women Workers in Woods Operations

You ask: 1) Whether, under the provisions of Section 30 of Chapter 30, R. S. 1954, the number of working hours of a woman cook with a river drive is regulated.

The answer is, No. We are not of the opinion that any of the activities defined in Section 30 include a river drive.

2) “In view of this question and the fact that our inspectors will be visiting lumber camps, in accordance with your interpretation of the Department’s responsibilities under Sections 2 and 4 of Chapter 30 (your memorandum of June 10, 1955), we would appreciate your opinion as to whether woods operations—river drives or permanent or temporary lumber camps—would come under the definition of ‘workshop’ or ‘mechanical establishment’ as the terms are used in Section 30 et seq. See Section 7 for the definition of ‘workshop.’”

In our opinion, woods operations, river drives, or temporary or permanent lumber camps, do not come within the definition of “workshop” or “mechanical establishment,” as the terms are used in Section 30 of Chapter 30.

The premises, room or place in which a workshop is established (Section 7 of Chapter 30) would, in our opinion, require that the labor performed be performed in such premises, room or place, or an area immediately adjacent to such property, and we further feel that the words require a building of some sort in which the work is done.

JAMES GLYNN FROST
Deputy Attorney General