

# MAINE STATE LEGISLATURE

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September 7, 1956

To Marion Martin, Commissioner of Labor and Industry  
Re: Seats for Female Employees

We have your memo asking for an interpretation of Section 46 of Chapter 30 of our Revised Statutes of 1954, which provides:

"The proprietor, manager or person having charge of any mercantile establishment, store, shop, hotel, restaurant or other place where women or girls are employed as clerks or help therein in this state shall provide chairs, stools or other contrivances for the comfortable use of such female employees for the preservation of their health and for rest when not actively employed in the discharge of their respective duties.. ."

With respect to this section you state the following: "We have interpreted this to mean that seats must be provided for use of female employees when they were 'not actively employed in the discharge of their respective duties.' However, in view of the wording, 'for the preservation of their health', which seems to be a separate phrase from the wording which follows, 'and for rest when not actively employed,' would it be your opinion that the section should be interpreted to require seats for female employees when they are engaged in their respective duties if such duties could be performed sitting down and it would be in the interest of the health of such employees not to require them to stand on their feet for long periods of time."

It is our opinion that your present interpretation of the statute is a proper one and if it is desirable for the statute to be extended so that seats are required for female employees when they are engaged in duties that could be performed while sitting down, then such extension should be by legislative enactment."

You also ask in reference to the same section of law if an opinion written by Abraham Breitbard under date of September 25, 1947, to the effect that manufacturing establishments would be covered by this section either within the definition of "shop" or the phrase, "or other places where women or girls are employed as clerks or help therein," is still valid.

Answer. Yes.

James Glynn Frost  
Deputy Attorney General

jgf/c