

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

We would also point out that in addition to Section 2 of Chapter 3 of the Revised Statutes, Article II, Section 1 of the Maine Constitution also excepts paupers from the voting privilege.

JAMES GLYNN FROST  
Deputy Attorney General

August 1, 1958

To Madge Ames, Director, Child Labor Division, Labor & Industry

Re: Catering Business

We have your memo, stating that an accident to a 14-year-old boy has brought to your attention the doubtful classification of a catering business under the provisions of the child labor laws. The catering business with which you are concerned is a business establishment where the cooking and baking are done, such products as baked beans, brown bread, pies, etc., being available for retail sale.

When the business caters to banquets and parties, food which has been cooked at the business establishment is transported by trucks to the place where the banquet or party is being held. Minors are not employed otherwise than for the parties and banquet, and then mostly for loading and unloading trucks.

*Question:* You ask our opinion as to whether such a business comes under the provisions of Section 23 of Chapter 30 of the Revised Statutes of 1954, as amended (bakery), or Section 25 (eating place or mercantile establishment), or whether it is not covered at all by any provisions of the child labor laws.

*Answer.* It is the opinion of this office that the catering business, as outlined above, comes within the definition of mercantile establishment, as contained in Section 25 of Chapter 30, and that the employment of a 14-year-old boy in the capacity above described would be in violation of said section. Said section reads:

“No child under 15 years of age shall be employed, permitted or suffered to work in, about or in connection with any eating place, sporting or overnight camp or mercantile establishment. . . The provisions of this section shall not apply to any such child who is employed directly by, with or under the supervision of either or both of its parents.”

The word “mercantile” means having to do with, or engaged in trade, the buying or selling of commodities. The word “establishment” means an institution, place, building or location. The expression “mercantile establishment” means an institution or place of mercantile business, where the buying or selling of merchandise is conducted or engaged in.

A business concerned with the cooking and baking at its location or place of business and the sale of such products comes within the term, “mercantile establishment”.

We are therefore of the opinion that the catering business in question is a mercantile establishment.

JAMES GLYNN FROST  
Deputy Attorney General