

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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Section 15 of Chapter 23 of the Revised Statutes authorizes the acceptance by the State Highway Commission of federal funds apportioned under the provisions of the Federal Aid Highway Act and its amendments. Sub-section (c) of Section 122 of the Federal Highway Act provides for the granting of the increase of one half of one percent in the case that the agreement set forth in sub-section (b) has been made.

There can be no question as to the power to accept the grant since it is apportioned under the provisions of the act.

The question of the right to make the agreement required by subsection (b) is not so clear. However, it is my opinion that Section 15 does delegate that power. The last sentence of that section authorizes the Commission

“ . . . to make all contracts and do all things necessary to cooperate with the U. S. Government in the construction and *maintenance of public highways, in accordance with the above* (Fed. Aid) Act, as amended and supplemented.”

*Maintenance* of highways covers a broad field. It includes all things that go toward making the way safe and convenient for travellers. It should be noted that sub-section (a) of Section 122 of the Federal Act uses the words “to promote the safety, convenience and enjoyment of public travel” in its purpose clause.

It is my opinion that regulation of signs and billboards adjacent to a way in the alleged interest of the safety of the users of the way is one of the many items that go to the maintenance of the way for safe and convenient travel.

Moreover, if the legislature enacts a law that brings our regulations in line with the federal requirements, the subject matter of the agreement required by sub-section (b) would not require the State Highway Commission to agree to anything beyond enforcing the state law.

L. SMITH DUNNACK  
Assistant Attorney General

January 19, 1959

To: Marion Martin, Labor Commissioner

Re: Work Permits for Minors

In reading your memo and the attached copy of a letter from an attendance officer of Portland public schools we gather his questions to be, as to students generally:

1) Is a child 15 years of age attending school while in session, who applies for a permit to work part-time and still continue in school, entitled to such part-time certificate, regardless of the grade in which he is enrolled, provided the work is of a nature otherwise permissible?

*Answer.* No. Section 26 of Chapter 30, R. S., reads in part as follows:

“No minor under 16 years of age shall be employed, permitted or suffered to work, in, about or in connection with any gainful occupation, subject to the prohibitions set forth in section 23, unless the person, firm or corporation employing such child procures and keeps on file accessible to any attendance officer, factory in-

spector or other authorized officer charged with the enforcement of sections 22 to 45, inclusive, a work permit issued to such child by the superintendent of schools of the city or town in which the child resides, or by some person authorized by him in writing.

“The provisions of this section shall not apply to minors engaged in work performed in agriculture, household work or any occupation that does not offer continuous, year-round employment.

“The person authorized to issue a work permit shall not issue such permit until such child has furnished such issuing officer a certificate signed by the principal of the school last attended showing that the child can read and write correctly simple sentences in the English language and that he has satisfactorily completed the studies covered in the grades of the elementary public schools or their equivalent. . .”

The statute is clear and, with exceptions not here pertinent, provides that the permit shall not issue to a minor under 16, unless he has satisfactorily completed the studies covered in the grades of the elementary schools or their equivalent.

Inasmuch as these questions relate to students in a junior high school we note the following:

Elementary schools include those which offer courses preceding those given in high school (Section 236, Chapter 41). A junior high school may include up to two grades or years of high school (Chapter 41, Section 98). We are advised, however, that the Portland Junior High School does not include grades of a high school; so, for the purposes of this opinion, minors in a junior high school in Portland are in elementary grades.

2) Do permits issued under Section 26 have the effect of excusing a child from school attendance?

*Answer.* No. We see no provision of law which would lead to the conclusion that the issuance of such a certificate has the effect of excusing a child from school attendance.

The two forms of work permits submitted to us appear to be proper forms, except for statutory citations on form numbered 3, which citations have been changed since the form was printed.

JAMES GLYNN FROST  
Deputy Attorney General

January 23, 1959

To: Asa A. Gordon, Coordinator of Maine School District Commission

Re: Subsidy and Bonus Payments to School Administrative Districts

I have your request for an opinion of this office regarding the method to be used to compute payments under the foundation program and the 10% bonus to newly formed School Administrative Districts.

Section 111-A of Chapter 41 is the declaration of policy of the State to encourage the development of School Administrative Districts. Section 236 defines the term administrative unit, and Section 237-E supplements this definition as there is no doubt that a school administrative district is an administrative unit as used throughout Chapter 41.