

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

MAINE STATE  
LIBRARY

February 24, 1960

To: Honorable Roswell P. Bates  
72 Main Street  
Orono, Maine

Dear Dr. Bates:

In reply to your inquiry relative to the interpretation of Article IV, Part First, Section 2, of the Constitution relating to the term of office of legislators, I do not believe that it was the intention of the framers of the constitution to leave a void in time from one Legislature to the next. I believe the term "two years" is considered actually from one first Wednesday to the next first Wednesday.

Using the 99th Session, 1959, and the 100th Session, 1961, as an example and following your reasoning, the 1959 session would begin on January 7th and the 1961 Session would begin on January 4th; therefore, there would be two legislatures sitting at the same time for two or three days. This is not the intent of the constitutional provision. Should a special session have to be called during the period of time used in your example, the Legislature previously elected would be called and properly so in my interpretation because they would sit until the incoming Legislature convenes.

Sincerely yours,

FRANK E. HANCOCK  
Attorney General

February 25, 1960

To: Marion E. Martin, Commissioner of Labor and Industry

Re: Agricultural Employment under the Minimum Wage Law

I have your request for an opinion regarding section 132-B, Chapter 30, as amended by Chapter 362, Public Laws 1959. Subsection III-B of section 132-B exempts "Any individual employed in agriculture, not to include commercial greenhouse employees;" from the definition of employees under Chapter 362, Public Laws of 1959.

The term agriculture is defined by Webster's International Dictionary as "The art or science of cultivating the ground, and raising and harvesting crops, often including also feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise."

In regards the hypothetical questions you have raised concerning the various degrees of milk production and distribution, I believe the exemption is applicable in operation number 1, and not applicable in operation number 3. In number 2, I believe the answer would depend on the amount