

# MAINE STATE LEGISLATURE

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DEPUTY ATTORNEY GENERAL

**STATE OF MAINE**  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
**AUGUSTA**

**January 12, 1966**

**Minimum Wage Rate Board**  
**State House**  
**Augusta, Maine**

**Gentlemen:**

You have requested a clarification of an opinion of this office rendered the Commissioner of Labor and Industry on October 11, 1965 interpreting Chapter 406 of the Public Laws of 1965. In that opinion we indicated that it was the duty of the Department of Labor and Industry to define the term "where the construction is to be performed." We indicated that the Legislature had not clearly defined what it meant by this expression and by the word "locality."

The opinion went on to indicate that we felt that locality should not be taken to mean the State as a whole or counties or municipalities for the reasons expressed therein. Apparently, the Commissioner of Labor and Industry has taken these statements to mean that the Department was completely precluded from using these definitions.

In order to clarify this opinion, I would like to advise you that we do not intend thereby to so restrict the Department or the Minimum Wage Rate Board in the establishment of wage rates. Because of the vagueness of the law in specifically defining locality, it is my opinion that the establishment of the areas within which minimum rates shall be fixed is the ultimate responsibility of the Commissioner of Labor and Industry

subject to the review of the Minimum Wage Rate Board and that the Department can, if it sees fit, establish minimum wage rates for the State as a whole or for any other lesser area within its administrative discretion.

I trust that this will serve to clarify our opinion of October 11, 1965.

Yours very truly,

Richard J. Dubord  
Attorney General

RJD/sll