

MAINE STATE LEGISLATURE

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Electricians Examining Board
Attorney General

Definition of "Industrial Plant" in 32 M.R.S.A. § 1102.

SUMMARY OF OPINION:

Hospitals, schools and stores are not "industrial plants" within the meaning of 32 M.R.S.A. § 1102, 3.

FACTS:

The provisions of 32 M.R.S.A. § 1102 contain exemptions per the application of the Maine Statutes relating to the licensing of electricians. One of the exemptions listed in section 1102 concerns "industrial or manufacturing plants".

"3. Industrial Plants. Any electrical equipment and work including construction, installation, operation, maintenance and repair in or about industrial or manufacturing plants or electrical generating plants;"

A State Electrical Inspector employed by the Electricians Examining Board has inquired of the Board whether or not a hospital, school, or store would be exempt as an "industrial plant" from the operation of the provisions of the statutes relating to the licensing of electricians. 32 M.R.S.A. § 1101, et seq.

QUESTION:

Is a hospital, school, or store an "industrial plant" within the meaning of 32 M.R.S.A. § 1102, 3?

ANSWER:

No.

REASON:

The fact that stores are sometimes generically called "industries" does not require that they be considered "industrial plants". Northside Laundry Company v. Board of Property Assessment Appeals and Review, 366 Pa. 636, 79 A.2d 419.

Two cases have disposed of questions concerning a definition of "industrial plant" by stating that the law can do no better than to define an "industrial plant" as that type of an establishment which the ordinary man thinks of as such. Messenger Publishing Company v. Board of Property Assessment, 183 Pa. Super. 407, 132 A.2d 768; and Northside Laundry Co. v. Board of Property Assessment, supra. Of course, that recital renders no meaningful assistance to a state electrical inspector who wishes to schematize the extent of the connection between the given exemption and specific business establishments. That being so, we submit the following definitions of "industrial plant":

1. A structure in which a newspaper was printed was an "industrial plant" in Messenger Publishing Company v. Board of Property Assessment, supra.

2. Buildings housing theaters, cab companies, service stations, restaurants, stores, office buildings, hotels, beauty shops, banks, and self-service laundries were not considered as being "industrial plants" within the meaning of the clause "assembled industrial plant doctrine". Northside Laundry Co. v. Board of Property Assessment Appeals, supra.

3. An "industrial plant" is a manufacturing establishment. Town of Oyster Bay v. Forte, 34 Misc. 2d 5, 219 N.Y.S.2d 456.

4. A bowling alley was not an "industrial plant" in the case of Town of Oyster Bay v. Forte, supra.

In conclusion, it is our opinion that a hospital, school, or store is not an "industrial plant" within the meaning of 32 M.R.S.A. § 1102, 3.

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JWB/eh