

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

September 12, 1969  
State Planning Office

Franklin A. Milliken, Director  
of Regional and Local Planning

Effect of Me. Public Laws 1969, ch. 382 on regional planning commissions

*SYLLABUS:*

Under Me. Public Laws 1969, ch. 382, a council of governments may assume the planning functions of a regional planning commission, to the exclusion of such commission, where the municipalities who are members of the commission vote to transfer all the assets, liabilities, rights and obligations of the commission to the council, and to dissolve the commission.

*FACTS:*

30 M.R.S.A. §4501-4504 enables municipalities which have planning boards to join regional planning commissions, and describes the membership, powers and duties of such commissions. Me. Public Laws 1969, ch. 382, effective October 1, 1969, affords municipalities the privilege of combining in yet another supra-municipal organization called a "council of governments".

One of the duties of the regional planning commission is to prepare a comprehensive regional plan. 30 M.R.S.A. §4504 (3) (A). Chapter 382 provides that a council of governments may establish a standing committee whose duty is, likewise, to prepare a comprehensive regional plan. Chapter 382 also provides that the member municipalities in a council of governments, who are also members of a regional planning commission, may transfer all the assets, liabilities, rights and obligations of the commission to the council, and dissolve the commission.

Counsel for the Department of Housing and Urban Development has made the following inquiry concerning the impact of chapter 382, which you have relayed to us:

*QUESTION:*

Does Me. Public Laws, ch. 382 authorize the assumption of a regional commission's planning function by a council of governments?

*ANSWER:*

Yes, if the municipalities who are members of the regional planning commission vote to transfer this function to the council and to dissolve the commission.

*OPINION:*

The answer to the question posed is evident from the face of the statute. Chapter 382 speaks for itself. It enables a council of governments to form a standing committee to prepare and maintain a comprehensive regional plan. Once this committee has been organized, it may then embark on its planning function. However, the mere creation of the committee does not automatically oust an existing regional planning commission of its statutory planning duties. It is conceivable that both a council of governments and a regional planning commission, under existing law and chapter 382 (when effective),

could co-exist and overlap in performing regional planning.

The only method under chapter 382 by which the council of governments can completely assume the planning functions of a regional planning commission, to the exclusion of the commission, is if the municipalities who are members of the commission vote to transfer all its assets, liabilities, rights and obligations to the council, and to dissolve the commission.

ROBERT G. FULLER, JR.  
Assistant Attorney General

September 12, 1969  
Labor and Industry

Madge E. Ames, Director,  
Minimum Wage, Women & Child Labor

Deductions from Minimum Wage.

*SYLLABUS:*

The term "wages" as defined in Title 26 M.R.S.A. § 663, subsection 5 does not include compensation paid to an employee in any form other than legal tender of the United States, checks on banks convertible into cash on demand, or the reasonable cost to the employer who furnishes such employee board or lodging.

Further, expenses of the employer that are passed on to the employee cannot be deducted from wages of the employee if such deductions bring the total wages below the minimum level.

*FACTS:*

Title 26 M.R.S.A. § 663, subsection 5 provides as follows:

"5. Wages. 'Wages' paid to any employee includes compensation paid to such employee in the form of legal tender of the United States, checks on banks convertible into cash on demand, and includes the reasonable cost to the employer who furnishes such employee board or lodging."

Title 26 M.R.S.A. § 664 provides for a minimum wage for all employees unless excluded therein or elsewhere.

The Department of Labor and Industry advises that the following situations are typical as to certain employers:

1. A restaurant requires kitchen workers to wear an apron and charges the employees \$1.00 a day for use and laundering, deducting this from the wages.
2. A restaurant requires waitresses to wear uniforms, which they are required to buy from the employer, deducting this from wages.
3. A restaurant charges \$1.50 a week for broken dishes and deducts this from the wages of all employees.
4. A gasoline service station deducts from the wages of its employees any losses incurred because credit card purchases turn out to be not bona fide, or from bad checks.
5. A gasoline service station and a restaurant deduct from the employees' wages any shortage which occurs in the cash register.