

# MAINE STATE LEGISLATURE

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**PUBLIC DOCUMENTS**

OF THE

**STATE OF MAINE**

BEING THE

**REPORTS**

OF THE VARIOUS

**PUBLIC OFFICERS  
DEPARTMENTS AND  
INSTITUTIONS**

FOR THE TWO YEARS

**JULY 1, 1926 - JUNE 30, 1928**

PUBLIC DOCUMENTS, 1926-28

(Explanatory Note)

Three reports in this volume cover periods in variance with the given biennium. They are as follows:

1. The report of the Attorney General covers the period from 1924 to 1928.
2. The report of the Bangor State Hospital covers the period from 1919 to 1928.
3. The report of the department of Inland Fisheries and Game covers the fiscal year ending June 30, 1928. No printed report was made for the fiscal year ending in 1927.

# STATE OF MAINE

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REPORT

OF THE

# ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1928

the Governor, and under the decision of the Court above cited, it would appear that the appointment was "for the term of four years."

Respectfully yours,

RAYMOND FELLOWS,  
*Attorney General.*

November 5th, 1928.

*Hon. Ralph O. Brewster, Governor of Maine, Augusta, Maine.*

DEAR GOVERNOR BREWSTER: In regard to the order of the Eighty-third legislature providing for the appointment of a Committee to make investigation of facts and phases of the operations of the Workmen's Compensation law, this department respectfully calls your attention to pages 524 and 1206 of the Legislative Record for 1927, and to the fact that the Committee duly appointed by the President of the Senate and Speaker of the House has reported that an investigation necessary to make a full report as called for in the order will mean an expense to the State of approximately \$60,000.00.

I have been unable to find that the last legislature made any provision for the payment of the expenses of this Committee and the expense would necessarily have to be paid out of the Contingent Fund.

It is extremely doubtful if the Contingent Fund contemplates an expenditure of this nature under the circumstances and in view of the working of the original order. The order called for a full report on or before October 1st, 1928. The preliminary report of the Committee making an estimate of the expense to the State was filed September 27, 1928.

Very respectfully,

RAYMOND FELLOWS,  
*Attorney General.*

November 10, 1927.

*Hon. Willis E. Parsons, Commissioner of Inland Fisheries and Game, Augusta, Maine.*

DEAR SIR: Answering your recent oral inquiry in regard to license being required to hunt foxes.

I call your attention to Chapter 199, Public Laws of 1927, which provides "whoever hunts, captures or traps any fur bearing animal or animals anywhere in the State shall annually procure a license therefor from the commissioner of inland fisheries and game, etc."

It is my opinion that a fox is a fur bearing animal, and I do not find any exception in the statute to the foregoing or which specially permits the hunting of foxes without license with dog and gun, except as appears in the latter part of the aforesaid Chapter 199.

Yours very truly,

SANFORD L. FOGG,  
*Deputy Attorney General.*

February 7, 1928.

*Hon. Willis E. Parsons, Commissioner of Inland Fisheries and Game, Augusta, Maine.*

DEAR SIR: I am in receipt of your inquiry "Do the words 'ordinary mode' appearing in Section 24 of Chapter 219, Public Laws of 1917, as amended by Chapter 218, Public Laws of 1921, apply both to the manner of angling and the implements used?"

The statute as amended, reads as follows:

"Whoever fishes for, takes, catches, kills or destroys any fish, with fish spawn, or grapnel, spear, trawl, weir, gaff, seine, trap, (or set lines, except when fishing through the ice, and then with not more than five set lines to a family in the day time, or five set lines to a person during November and December when fishing for pickerel,) or takes any kind of fish, except suckers, eels, hornpouts, yellow perch, white fish and cusk, as hereinafter provided, with any device or in any other way than by the ordinary mode of angling with single-baited hook and line, artificial flies, artificial minnows, artificial insects, spoonhooks and spinners, so-called, shall pay a fine, etc."

It is the opinion of this department that application is intended both to manner and implements.

What is or is not the "ordinary mode" of angling, or what is or is not the ordinary device is a question of fact and will have to be decided in each individual instance.