

# 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)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**



STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

COPY

June 15, 1934

Hon. Louis J. Brann  
State House  
Augusta, Maine

My dear Governor:

In response to the inquiry of Richard E. Harvey contained in his letter to you of June 11 in which he asks for an interpretation of Chapter 294 of the Public Laws of 1933 relating to measurement of lobsters, I am pleased to suggest that a consideration of what the word "dealer", as used in this Act, means, in order to interpret this law.

I do not find that, either in our Statutes or Reports, the word dealer as used in this connection has been defined. It has been held by the courts of many states that "a dealer, in the common acceptation, and, therefore, in the legal meaning of the word, is not one who buys to keep or makes to sell, but one who buys to sell again; one who buys and sells at his place of business; one who buys for the sole purpose of selling again; one who buys to sell as an avocation or business". It has been further said that "although a man commences to be a dealer from the moment when he buys the article with an intention to sell it again, the term implies an habitual class of dealing, and usually is employed to designate one who makes a business of buying and selling". From the foregoing it is evident that a lobster fisherman who catches and sells only, is not a dealer within the common acceptation of the term.

It appears that the Commissioner's refusal to grant a permit to Mr. Snow was because Snow was not a dealer.

The law in question appears to make the issuing of permits discretionary with the Commissioner and that Mr. Crie was within his rights in refusing the permit. If there is in the law an unjust discrimination against lobster fishermen it is for the legislature to make such amendments as may seem necessary.

Respectfully yours,

Sanford L. Fogg  
Deputy Attorney General

SLF:MB