

MAINE STATE LEGISLATURE

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October 8, 1937

Messrs. William H. Cram and
Charles B. Clark
County Commissioners
County Building
Portland, Maine

Re: Poultry

Gentlemen:

I am sorry for the delay in replying to your letter of September 9. Every time I have been in Augusta since receipt of your letter Mr. Tucker of the Department of Agriculture, who has charge of the enforcement of this Act, has been absent until today.

Chapter 105, P. L. 1937, was passed after considerable discussion. It was sponsored by a number of the sheriffs and county commissioners in connection with the Department of Agriculture. We have interpreted it to mean that it covered the transportation of poultry from one part of a town to another, and that the words "place to place" did not necessarily limit the application of the Act to transportation between towns. It has seemed to us that it would be almost impossible to enforce the law with any other interpretation on these words. You will have in mind, of course, that the special permit required by the Amendment of 1937 applies only to transportation between the hours of 7 P. M. to 5 A. M. the following morning.

It is true that the law does not state who is to pay for the permit, nor does it fix the charge to be collected by the officer. I think you will agree with me that if the Act, as amended, is of any aid in preventing thefts of poultry which have been very common and expensive in many parts of the State, the expense of enforcing it should be borne by the different law enforcement agencies of the State. The Department of Agriculture has gone to considerable expense in printing and distributing the applications for permits, the State Police have co-operated, and it is my understanding that members of the State Police in all parts of the State have spent considerable time in examining shipments at night and issuing permits and that they make no charge to the shipper or to the State

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for this service. Under the Act a man transporting poultry is allowed to obtain his permit from either a member of the State Police, a Sheriff or his deputy, and if he chooses to go to a sheriff or his deputy, in my opinion, the county should be willing to pay a reasonable fee to a sheriff rendering such service who is not on a full time salary by the county. It would seem to me that if the application was made to a sheriff who was being paid by the week that no further charge should be made.

The particular case to which you refer is one which I would think would stand some investigation. Mr. Tucker understands that the man Seabury in Yarmouth buys poultry locally and dresses it himself for shipment. Why he should choose to do all his trucking at night, and why the charge of \$2.50 should be made for looking at a load and seeing that it complied with the provisions of Chapter 39, R. S., as amended, are questions which I cannot answer. It seems to me that the charge is rather large for such a service.

Very truly yours,

Francis U. Burkett
Attorney General

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