

MAINE STATE LEGISLATURE

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October 15, 1942

John G. Rogers, Assistant Attorney General

George J. Stobie, Commissioner
Inland Fisheries & Game

In answer to your request for an opinion on legal questions raised by letter of Thomas J. Joyce of Madawaska, we give you the following opinion.

Section 40-b of the Fish & Game Law defines, for the purposes of the law, all aliens as non-residents, except those who have continuously resided in the State for two years and have paid real estate taxes on real estate in the town in which they reside.

Evidently, an alien who has lived in the State continuously for two or more years and still lives in the State and has paid real estate taxes on real estate in the town in which he resides, can purchase resident fishing and hunting licenses for the price charged resident citizens.

Apparently the exception for certain aliens as set out in Section 40-b does not allow them to kindle fires as regulated by Section 51.

Obviously, this exception does not extend to resident aliens who have paid a poll tax, but not a real estate tax on real estate in the town in which they reside.

We realize that the situation in Madawaska as set out in Mr. Joyce's letter may be a difficult one. However, we know of no method by which you can change the law of the State as put into effect by the legislature, to cover such a situation. Such a change could only be made by the legislature if it saw fit.

Possibly it might be well to call the fact to the attention of Mr. Joyce that a Town Clerk who wilfully issues a resident license to a person not so entitled, forfeits the sum of \$10 for each license so issued. I suppose that under some circumstances, certain disgruntled people might insist on the collection of this penalty.

Assistant Attorney General

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