

MAINE STATE LEGISLATURE

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April 2, 1943

Henry P. Weaver, Chief
Maine State Police
Augusta, Maine

Dear Sir:

I have considered your query as to the effect of certain provisions of Legislative Document Number 834, "AN ACT Providing for the Licensing and Regulation of the Amusement Known as Five-in-a-Row."

Under Section 2 of the bill, provision is made that an application for a license to conduct such an amusement "shall bear the consent of the municipal officers of the town or city in which it is proposed to operate such amusement".

Section 3 provides: "The chief of the state police may, at his discretion, issue licenses to operate such amusement."

It is apparent that the authority in the chief of the state police to issue licenses is absolutely dependent on there having been a prior fulfilling of the conditions in Section 2. The chief of the state police will have no authority whatsoever to even consider an application until it has received the consent of the municipal officers. When such an application is submitted to him he then may use his discretion in deciding whether or not to issue a license.

Very truly yours,

Frank I. Cowan
Attorney General

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