

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

fullest benefit of our compensation laws. This will take care of his hospitalization and his doctors' bills and provides for payment to him of a certain minimum amount per week, and is the only provision in our statutes for payment to an employee in the Fish and Game Department outside of "sick leave" and "vacation pay," when said employee is unable to perform the duties of his employment.

It is therefor my opinion that the Department of Inland Fisheries and Game has no legal authority for making regular salary payments to Mr. ***** during the period of his disability.

FRANK I. COWAN

Attorney-General

July 6, 1944

George O. Gray, Division of Sanitary Engineering

I am now confirming what I said to you orally with regard to licenses to be issued to eating and lodging places. I advised you that licenses are to be issued to the person, corporation, firm or copartnership engaged in the business of conducting the eating or lodging place and that consequently the application must be made by the person engaged in the business. Of course, if it be a corporation, the application is made in the name of the corporation by its duly authorized agent, or if it be a partnership, in the name of the partnership by one of the partners. No license can be issued to a person who is the manager of a business, and hence his application cannot be accepted as such. Section 187A of the law specifically provides that the person, corporation, firm or copartnership engaged in the business shall be licensed.

Section 186 does not authorize the issuance of a license in the name of the manager or person in control. This section prohibits the management of an eating place which is not licensed, thus subjecting all persons to the penalty, who participate in the control, management or operation of an unlicensed place; but licenses are not issued to managers, who may be there one day and not there the next. They are issued only to those "engaged in the business of conducting an eating or lodging place. . . ."

In view of what I have said, you are justified in refusing to issue a license to the person who applied as manager of the hotel or lodging place formerly conducted by Mr.

ABRAHAM BREITBARD

Deputy Attorney-General

July 7, 1944

L. E. Griffin, Gasoline Tax Division

Exemption from Maine State Tax of Sales of Gasoline to the Canadian Government

I prefer to give no opinion in this matter that will serve as a precedent for my successors in office. We are handicapped by the fact that this subject is not covered by any treaty between the United States and Canada. Until this office has arrived at a different conclusion, I will say that during the present war emergency, by reason of the