

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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The Commissioner of Education advises me that the term 'day school' is not applicable to the State Normal Schools, as the latter are 'resident' schools, which distinguishes them from 'day schools.'

I therefore advise you that secretaries employed at the State Normal Schools are not eligible to become members of the Teachers' Retirement System.

ABRAHAM BREITBARD
Deputy Attorney General

May 21, 1946

To Guy R. Whitten, Deputy Insurance Commissioner

In your memo of May 15th you ask to be advised if a foreign corporation, qualified to transact business in this State by compliance with the statutory provisions of the Corporation Law, may be licensed as an insurance broker under Section 251 of Chapter 56. Your doubt arises from the fact that the officer or member who is to be authorized to transact the business on behalf of the corporation is a resident of the State.

The statute provides that ". . . the license issued to such corporation shall give the corporate name, and the name of each officer or member thereof authorized to transact business therefor under such license, and such licenses shall authorize the persons named therein to transact business for and in the name of the firm or corporation only."

It is quite clear from this provision that the corporation is the principal as well as the licensee, and that the member or officer is merely named as the person authorized to act for it "under such license."

You are therefore advised that the corporation may be licensed as a non-resident broker, notwithstanding the fact that the officer or member designated to act for it is a resident of the State.

ABRAHAM BREITBARD
Deputy Attorney General

May 21, 1946

To Richard E. Reed, Commissioner of Sea and Shore Fisheries

. . . Section 57 will be found under Chapter 33 of the Inland Fish and Game Laws in the back part of the Session Laws of 1945, which prohibits the pollution of streams and inland waters by depositing slabs, edgings, sawdust, chips, bark, mill waste, shavings, or other fibrous materials created in the manufacture of lumber or other wood products. I find nothing in the Sea and Shore Fisheries Law which authorizes you as Commissioner to abate this pollution. I have taken the matter up with Mr. Hale of the Sanitary Water Board and he states that the discharge of this waste began before July 21, 1945, and the Board has authority under the present law to handle only new sources of pollution.

The only relief would be for the citizens below the point where the sawdust is dumped to take action to abate a nuisance, which would not come within your jurisdiction.

RALPH W. FARRIS
Attorney General