

MAINE STATE LEGISLATURE

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August 14, 1946

To Fred W. Rowell, Veterans Affairs

Re: Trainees under G. I. Bill, Lobster Fishing

I have your memo of August 13th in which you state that a few World War II veterans are taking on-the-job training under approved programs in the lobster industry; that in order to accomplish this training it is necessary for them to learn by doing the various operations connected with lobster fishing, such as setting, baiting and hauling lobster traps, measuring and culling lobsters, packing lobsters for shipment, etc.; but that some of these veterans are not eligible to receive lobster fishermen's licenses because they have not yet been residents of Maine for the required statutory period.

You further call my attention to Section 116 of Chapter 34, R. S. 1944, which provides: "No person, firm, or corporation, either by themselves as principal or by their servants or agents, shall at any time, catch, take, hold, buy, ship; transport. . . any lobster. . . unless licensed to do so as hereinafter provided."

After citing these facts and the law applicable thereto, you ask me whether or not veteran trainees under the G. I. Bill of Rights, who are following an approved course of training under a licensed fisherman, would be considered as servants or agents under the above law; or could they perform such acts as may be necessary in the course of their training under a licensed fisherman without themselves having a license?

In answer to your question, I will say that in the opinion of this office, these trainees would not be considered "servants or agents" under this statute, but are apprenticeship trainees, and they will be entitled to perform those duties set forth in the first paragraph of your letter relating to lobster fishing. Otherwise, they would not be getting the necessary training, if they could not do the things they were being trained to do under the G. I. Bill of Rights.

Ralph W. Farris
Attorney General

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