

# 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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expended in part performance of these two contracts aforesaid. The remainder of the contracts remains to be done, and the State has obligated itself through the commissioner and the Governor and Council to carry out the terms of this contract.

RALPH W. FARRIS  
Attorney General

December 12, 1946

To Maine State Boxing Commission

This department acknowledges receipt of your letter of December 12th in which you ask the following question:

“Is it necessary for a boxing promoter to obtain a permit from the local city or town government where he intends to promote boxing exhibitions for the public, in addition to his license as granted for that locality by this Commission? In this particular instance, the location in question is the City of Rockland.”

On October 23rd this department, upon inquiry from the city solicitor of another municipality involving this same question, ruled as follows:

“It is my opinion that Section 7 of Chapter 78, R. S. 1944, which was enacted in Chapter 282, Section 8 of the Public Laws of 1939 and which gave the Boxing Commission sole direction, control and jurisdiction over all boxing contests and empowered it to promulgate rules and regulations necessary therefor, impliedly repealed whatever authority the City of ..... may have had prior to 1939. . .”

ABRAHAM BREITBARD  
Deputy Attorney General

December 12, 1946

To Hon. Horace Hildreth, Governor of Maine

Re: Resignation of a Member of the House of Representatives

With relation to the communication addressed to Your Excellency under date of December 6th and received by you on December 9th from James R. Pratt, Representative-elect of the class district of Harrison, Otisfield and Windham, stating that he declines the office and also tenders his resignation as a member of the 92nd Legislature:

Since his term in the 92nd Legislature expires on December 31st, it is unnecessary to take any action on that.

As to his membership in the 93rd Legislature, I think he may resign his seat, thereby creating a vacancy. As framed, the letter merely expresses a desire to resign, but I think we may well treat it as a resignation of the seat in the Legislature to be assembled on January 1st.

In addition to tendering his resignation to the Governor, he should also tender it to the selectmen of the Town of Windham, as that is the oldest town in this representative district and its municipal officers fix the date of the election and notify the selectmen of the other towns in that district.

Under the statute, Chapter 5, Section 74, the selectmen of the oldest town of the representative class, when notified that the seat has been vacated, appoint a day for a special election and then notify the selectmen of the other towns accordingly.

Under Chapter 4, Section 47, when a special election is to be held to fill an office that has been vacated, a primary election may be ordered by the Governor; or, if the time for that purpose is insufficient, the nominations may be supplied as in Section 48 of this chapter.

Section 45 provides that vacancies may be filled by a convention of delegates or appropriate caucuses; or, if the time is insufficient, by the regularly elected State, Congressional District, county, city, town, plantation or representative class committee, as the case may be.

It would thus appear that the calling of a special primary election by the Governor may be dispensed with and nominations for the office made in the manner set forth in the preceding paragraph. The Secretary of State will assist in the procedure to be adopted if they desire instruction as to the manner of nominating a new representative, fixing the date of the election, etc. The ballots will also be prepared by the Secretary of State when he is notified of the nominations.

ABRAHAM BREITBARD  
Deputy Attorney General

December 16, 1946

To J. Elliott Hale, Technical Secretary, Sanitary Water Board  
Re: Sebasticook Lake

I have your memo of December 9th stating that the Sebasticook Fish and Game Association is particularly concerned with the pollution of Sebasticook Lake and that your survey completed in 1945 indicated that there are several towns which discharge raw sewage into the river, together with the industrial waste from several woolen mills, etc. You inquire whether or not it is possible for you to proceed under the provisions of Section 1 of Chapter 124, R. S. 1944, against the Eastland Woolen Mill at Corinna for dumping into the stream, according to their own figures, 25,000 gallons per day of spent dye liquors and 800,000 gallons per day of wash and rinse water, together with sanitary sewage.

It is my opinion that the statute is not broad enough for you to proceed, unless the waters of the lake or river are used for domestic purposes.

In this connection I call your attention to Section 57 of Chapter 33 of the Revised Statutes, as enacted by the last legislature, which will be found in the back of the Laws of 1945. It might be well to strengthen Section 57 of Chapter 33 so as to cover such cases as the Sebasticook River. You will note in reading said section the words "mill waste," but in the main the provision deals with pollution of inland waters by depositing on the banks thereof slabs, edgings, sawdust, etc., which would seem