

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

July 19, 1948

To Ernest H. Johnson, State Assessor
Re: Taxation of Indians

I have your memo of July 6th, calling my attention to sub-section VIII of Section 6 of Chapter 81, R. S., as amended by Chapter 191, P. L. 1947, which provides that the polls and estates of only those Indians "who reside on tribal reservations" are exempt from taxation.

You ask, "Do the words 'tribal reservations' include the entire area of Indian Township in Washington County?"

I have checked the Indian Treaties, and I find that in the Maine Resolves of 1843, on page 264, a treaty agreement was signed by a committee appointed by the General Court of the Commonwealth of Massachusetts to treat with and assign lands to the Passamaquoddy Tribe and others connected with them; and in that Treaty they set off Township No. 2 in the First Range surveyed by Mr. Samuel Titcomb in 1794, containing about 23,000 acres more or less, which in my opinion would make this territory a part of the tribal reservation of the Passamaquoddy Tribe.

RALPH W. FARRIS
Attorney General

July 21, 1948

To Harrison C. Greenleaf, Commissioner of Institutional Service
Re: Bids—Augusta State Hospital

I have your memo of July 21st, relating to the bids for pointing and waterproofing walls at the Augusta State Hospital. You state that the bids were opened in the office of the Commissioner of Institutional Service at 10 A.M., July 19th. . . . You further state that because of the extreme lowness of the bid by St. Hilaire Waterproofing, Mr. St. Hilaire was called in to go over the proposal, and through error he had omitted from his estimates one whole side of the building, which amounted to \$2,576. This he has corrected, and his corrected bid would be \$6,436, which is the lowest bid.

If the St. Hilaire Waterproofing Company is financially responsible and will comply with all the other conditions in performing this contract, it is my opinion that you, as Commissioner, should accept same.

There is nothing in the law which prevents a bidder who has made an error from correcting same; and there is no reason why the Commissioner should not accept same, if it is the lowest bid made and the low bidder is in a position to do the work in an efficient manner, according to the specifications.

RALPH W. FARRIS
Attorney General

August 6, 1948

To: A. M. G. Soule, Chief, Division of Inspection,
Department of Agriculture

I have your letter of August 3rd relating to Section 184 of Chapter 27 of the Revised Statutes of 1944, which provides that the Commissioner shall

have all analyses of commodities except milk and cream examined under the inspection laws of which he is the executive made at the Maine Agricultural Experiment Station and that the director of the station shall analyze *or cause to be analyzed* all samples submitted to him by said Commissioner.

You further state that since 1914 it has been the regular program for the Commissioner to submit annually samples of agricultural seed in order to determine the quality and purity of the seed and its germinating qualities.

You further state in your letter that recently, owing to the resignation of the seed analyst and technician at the Experiment Station, the question has been considered by the Commissioner of sending samples of seed to some other laboratory for analysis, and you respectfully request an opinion as to the legality of this procedure.

In reply I will state that it is my opinion that the statute is mandatory and the analyses of agricultural seed must be made through the Maine Agricultural Experiment Station. However, the director of the station does not have to analyze the seed himself, as the statute permits him to cause it to be analyzed; but this must be done at his direction or at his behest.

RALPH W. FARRIS

Attorney General

August 16, 1948

To Dean Fisher, M. D., Secretary, Board of Barbers and Hairdressers

I have your memo of July 28th concerning the issuance of a license to a person practicing manicuring in a barber shop.

Section 206, paragraph III, of Chapter 22, R. S. 1944, defines the practice of hairdressing and beauty culture, which includes the manicuring of fingernails of any other person.

Section 209 provides that no person shall practice barbering, hairdressing or beauty culture unless first having obtained a license and a certificate of registration as provided in Sections 205-222.

You ask me to advise you if in my opinion a person who is a registered hairdresser may practice manicuring in a licensed barber shop without first securing a license, if said shop is not a beauty shop.

It seems to me that a registered manicurist, or a registered hairdresser under the definition as set forth in subsection III, could practice manicuring in a duly licensed barber shop without the barber's securing a license to run a beauty parlor, provided she is on her own; but that if the manicurist is engaged by the barber for hire or reward, he would be obliged to take out a certificate for conducting a hairdressing and beauty culture business, which includes manicuring.

RALPH W. FARRIS

Attorney General

August 26, 1948

To Paul L. Hanscom, Warden Supervisor, Inland Fisheries and Game

In answer to your inquiry of July 30, 1948, which contains questions on which you want to be advised, I hereby advise you as follows: