

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

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:

1. "An Indian born in Canada, who has no real estate, but has lived in Maine nearly all his life, wishes to buy a resident license. Is he entitled to this, if not how can he become a citizen?"

*Answer.* Under the provisions of the Inland Fish and Game Laws this person could procure only a non-resident license, not being a citizen of the United States, or being an alien and owning no real estate. An Indian born outside the United States may become a citizen by naturalization. He may apply for naturalization in either the Federal Courts or the Superior Court of the State at Bangor.

2. "A woman resident of Maine marries a man who is a Non-Res. and is in the Army, they move from place to place outside of Maine for several years. They come to Maine for a vacation and the woman wants to buy a resident license, claiming she has never become a resident of any other state. Is she entitled to a resident license?"

*Answer.* By our statutes, Chapter 3, Section 4, it is provided,

"For purposes of voting, office holding, or serving on jury, husband and wife may be deemed each to have a separate residence; such residence to be determined as in the case of other persons."

If this woman satisfies the town clerk that she was domiciled in Maine before her marriage and never intended to abandon her domicile and he is satisfied that she retained her domicile in Maine, in my opinion she would be entitled to a resident license. The question is one of fact, to be determined from all the facts in the particular case.

3. "On a river such as the Penobscot, would the East and West Branches come under the same law as the river proper, that is would the law governing the river also govern the branches or would they come under tributaries?"

*Answer.* The East and West Branches of this river are not tributaries as defined by the Inland Fish and Game Laws.

ABRAHAM BREITBARD  
Deputy Attorney General

August 31, 1948

To Ernest H. Johnson, State Tax Assessor  
Re: Northeast Aviation Company

I have your memo of August 20th, stating that you are in receipt of a letter from the Northeast Aviation Company, which reads as follows:

"We are inclosing gasoline exemption form which we are not familiar with as to its disposition and feel that you may be of assistance to us in what method or procedure should be used by us to get this State Tax refund represented by the inclosed certificate."

You also enclose a certificate of exemption of foreign diplomatic and consular officers from motor fuel tax, which is a federal proposition and does not apply to the State of Maine.

You refer to a ruling by former Attorney General Franz U. Burkett, addressed under date of October 25, 1939, to Frank H. Holley, then State