

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

As I stated in my opinion written to the Commission some days ago, the wording of the statute is in the plural number and there can be more than one 8-week night harness racing meet at one time, provided the statutory requirements are complied with.

RALPH W. FARRIS
Attorney General

May 27, 1949

To Charles P. Bradford, Director, Park Commission

I have your memo of May 11th asking for an opinion on Chapter 206, Resolves of 1949, which appropriates \$181,225 for the development and improvement of State Park facilities, to be expended under the supervision of the Maine State Park Commission. This Resolve also designates the various parks and memorials and the amount to be expended in each one.

I wish to state that this is a mandate of the legislature and that it is not necessary for you to obtain the approval of any other State department in carrying out the provisions of Chapter 206 of the Resolves of 1949.

RALPH W. FARRIS
Attorney General

May 27, 1949

To William P. Hinckley, Acting Technical Secretary,
Sanitary Water Board

I have your memo of May 13th calling my attention to Chapter 266 of the Public Laws of 1947. I note that you have talked with County Attorney Hillard Buzzell of Waldo County and that he feels that the phrase, "in a manner and an extent inconsistent with the public interest" is extremely ambiguous and may be a joker which will weaken the law and make it impossible to enforce. You ask my opinion as to what constitutes a breach of the public interest in relation to the deposits of waste and you ask, "Does the phrase 'or so pollute said waters' which appears after the last comma in the sentence in any way temper the legal meaning of the phrase 'in a manner and an extent inconsistent with the public interest?'"

You state in the fourth paragraph of your letter that it seems to you that the change of wording will limit the exemption from pollution of the so-called exempted rivers named in the second paragraph to sawmill waste, oil, and possibly waste from pulp and paper mills, where previously these rivers were legally declared to be receiving waters for all types of waste materials, and you ask if this is the proper interpretation of this change of wording.

In looking over Chapter 332, P. L. 1949, I find that the legislature has inserted the phrase "in a manner and an extent inconsistent with the public interest" in the first part of the first sentence of Section 6 of Chapter 72 of the Revised Statutes, as amended by Chapter 266, P. L. 1947, and struck it out in the last part of said sentence, which in my opinion does not change the meaning of the statute; so the only thing you gain in the amendment in Chapter 332, P. L. 1949, is that it applies to tidal waters. You will have to construe Chapter 266 and administer its provisions the same as you have in the past, since this law became effective on August 13, 1947.