

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

August 1, 1949

To Francis G. Buzzell, Chief, Division of Animal Industry

Reference is made to your memorandum of July 13, 1949, in which you ask for an interpretation of a portion of Chapter 417 of the Public Laws of 1949, your question being,

"Would it be permissible for the Department of Agriculture to issue a ruling that cattle could be sold from licensed dealer to licensed dealer without test, although a record is kept of the transaction?"

Subsection II of Section 123-B quite specifically defines the term "dealer" and appends the following:—"whether such purchase or sale be completed by cash, delayed payment, transfer, exchange, barter, or *shipment on commission.*"

Paragraph one of Section 123-F would indicate that the only exception to furnishing a health certificate is in the case of a sale to a recognized slaughtering establishment for immediate slaughter.

The statute is so specific and all-inclusive that it would appear to be the intention of the legislature that health certificates be procured in all cases.

You ask a second question as to whether the term "dealer" means a person whose primary business is the production of milk, or the raising of livestock, but who from time to time buys or sells livestock to maintain the steady production of milk, or to fit into other farm operations.

The statute defines the term "dealer" as meaning, "any person, copartnership, association or corporation engaged in the business of buying or selling livestock, . . ."

It would be assumed from this definition that the statute was referring to the regulating of persons engaged in the business, and not of regulating persons such as farmers who need not be licensed as dealers, who purchase or sell merely as an incident to their farming operations.

JOHN S. S. FESSENDEN
Deputy Attorney General

August 2, 1949

To N. S. Kupelian, M. D., Superintendent, Pownal State School

. . . I am assuming that the question which you raised in paragraph two of your letter refers to the time lapse between the time of hearing and the date of commitment. If during this time lag the child had been placed under supervision pending examinations and decision as to what to do with the child, I would think that under the statute it would be proper for the commitment to follow.

I assume that the question raised in the third paragraph of your letter is with respect to the authority of the Recorder to perform the duties of the Judge of a court.

This matter is covered in Section 6 of Chapter 96, page 1663, Revised Statutes of 1944. . . .

JOHN S. S. FESSENDEN
Deputy Attorney General