

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

The term "theatrical productions" is broad and has been judicially defined to include many kinds of entertainment. For example, "'Vaudeville' is a term describing a species of theatrical entertainment, composed of isolated acts forming a balanced show." The word "production," from a theatrical standpoint, means the act or process of producing, bringing forth, or exhibiting to view. The word "theatre" from the Greek means literally "place for seeing." Standard authorities define it as a building adapted to dramatic, operatic or spectacular representations, or a play-house.

Therefore it is my opinion that the language of the statute would include vaudeville shows produced in a theatre, which, when composed of several acts, form a whole show.

RALPH W. FARRIS
Attorney General

September 22, 1949

To Honorable Edgar F. Corliss, Public Utilities Commissioner

Reference is made to your letter of September 22, 1949, in which you asked my interpretation of the meaning of Section 22 of Chapter 44, R. S. 1944, in the light of paragraph E of subsection I of Section 27 of the same chapter, as those sections pertain to a motor vehicle carrier for hire transporting pulp wood 30 miles by private way in the State of Maine, 30 miles by public highway to the boundary of the State of Maine, and thence 33 miles in the State of New Hampshire.

Section 22 of Chapter 44 was amended by Chapter 263 of the Public Laws of 1949 in respects which, I believe, are immaterial to your present question.

Paragraph E of subsection I of Section 27 was amended by Section 1 of Chapter 212 of the Public Laws of 1949 by inserting immediately thereafter the words "by highway."

Section 22 states that its purpose is to provide proper supervision and control of the use of the "highways of this state." Prior to the amendment to Section 27 referred to above, in 1949, paragraph E referred to the hauling from the woodlot or forest area to points within 40 miles thereof, but did not state whether such distance included private ways or public ways or both. By the amendment inserting the words "by highway" in this paragraph, it would appear that the legislature intended the supervision of the Public Utilities Commission to be measured only by miles of usage of public highways. Since the Public Utilities Commission does not have jurisdiction beyond the borders of the State of Maine, it follows that the mileage an excess of which gives rise to Public Utilities Commission supervision must be mileage over public highways in this State.

My interpretation of the question which you raise is, then, that on the facts presented in your letter of September 22, 1949, the motor vehicle carrier would not be required to obtain a permit for such operation from the Commission.

RALPH W. FARRIS
Attorney General