

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

Section 2 of Chapter 66, R. S., provides that the board "may make such rules, not contrary to law, as they may deem necessary for the performance of their duties, and shall conduct theoretical and practical examinations upon such subjects pertaining to dentistry as are hereinafter prescribed."

Therefore it is my opinion that the Board has no authority to promulgate any regulation under this provision of the Revised Statutes which would permit persons to practise dentistry in Maine, unless they had complied with Sections 3, 4, 5, and 6 of Chapter 66.

RALPH W. FARRIS
Attorney General

April 25, 1950

To H. H. Harris, State Controller

Re: Fish Screen, Plantation No. 33, Hancock County, Resolves
of 1949, c. 106

The Department of Inland Fisheries and Game informs me that you wish a memo in regard to paying the vouchers for labor in installing a fish screen on the west branch of the Union River at the outlet of Great Pond in Plantation No. 33, Hancock County, for which an appropriation was made by the legislature in the sum of \$655.68, the State to be liable for only one-half of the cost of said screen; providing that Frank Honey of said Plantation No. 33 shall assume all liability for the maintenance of said screen.

In view of the fact that many of the persons who did work in the installation of said fish screen have filed waivers for pay, it is suggested that the money be paid to the individuals who did the work on the screen upon their presenting proper vouchers for their labor and material, and not make payments of the full amount of the appropriation, to wit, \$655.68, to Frank Honey of Plantation No. 33.

RALPH W. FARRIS
Attorney General

April 25, 1950

To Ralph A. Jewell, Chairman, Maine Racing Commission

In answer to your inquiry at my office Friday morning, April 21st, on which date you left a letter with me dated April 6, 1950, addressed to you from Attorney John E. Willey of Portland which related to the interpretation and definition of the word "shall" within our Revised Statutes:—

The reason for his letter was perhaps based on my memo to you dated May 17, 1949, in which I stated that the Commission "shall grant such licenses for night harness racing to such applicants only, who shall have and maintain adequate pari-mutuel facilities, etc., etc.," as provided in Section 5 of Chapter 388, P. L. 1949. I wish to state that John is right in his interpretation of the word "shall" and that his cases cited in his letter seem to be in point. I stated in my memo that the words, "The commission shall grant such licenses," are mandatory and in the plural number and I added, "to such applicants only who shall have qualified, etc." It is mandatory in the sense that you can issue licenses only to those who have qualified, but