

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

October 4, 1950

To Lester E. Brown, Chief Warden, Inland Fisheries and Game
Re: Moosehorn Migratory Bird Refuge—Jurisdiction

I have your memo of October 4, 1950, calling my attention to Chapter 85 of the Resolves of 1937 by which the State Legislature ceded to the United States of America certain land in Washington County lying within the exterior boundary of the Moosehorn Migratory Bird Refuge area, "reserving to the State of Maine and the people thereof all civil and criminal jurisdiction over said lands and waters, not inconsistent with the use, control, and regulation, by the United States of America, of said lands and waters as a part of said refuge."

You call my attention especially to the fact that the area ceded is described as a migratory bird refuge area. In view of this fact and in view of the reservation of jurisdiction to the State of Maine and the people thereof, you ask my opinion as to whether or not the trapping of beaver, muskrat and other fur-bearing animals and the hunting of deer in this area would be under the jurisdiction of the State of Maine.

I have no background for giving an opinion as we have no copy of regulations for use and control of the area by the United States of America; but it is my offhand opinion that the legislature reserved to the State and the people thereof all civil and criminal jurisdiction over said lands and waters as stated in the Resolve. If that is so, any trapping, hunting and fishing should be subject to the jurisdiction of the Inland Fisheries and Game Commissioner, if it is not inconsistent with use, control and regulation by the United States of America. Now that is the rub, because it is a question of fact as to whether or not the situation about which you talked with me yesterday, namely the presence of beaver in this area, would be inconsistent with the use and control of the area as a bird refuge by the United States of America.

RALPH W. FARRIS
Attorney General

October 11, 1950

To Honorable Frederick G. Payne, Governor of Maine
Re: Sunday Stock Car Racing

In your memorandum of October 10, 1950, you make inquiry as to the legality of Sunday operation of stock car racing.

Generally speaking, stock car racing, as it is conducted in Maine, is in the field of "amateur sports." While there may be some professional stock car racing in Maine now or in the future, up to the present time I know only of amateur stock car racing.

Several of those engaged in this "sport" have organized corporations under the provisions of Chapter 50 of the Revised Statutes of Maine as non-profit corporations engaged in a social and recreational activity. Consequently, those who operate stock car racing on Sunday within the limits of such charters and who operate on an amateur basis would come within the provisions