

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

In order to protect the people of this State satisfactorily, it is recommended that when an out-of-state broker has failed to renew his license and is required by the Commission to file a new application, under such circumstances such out-of-state broker should be required to file a new irrevocable consent.

JOHN S. S. FESSENDEN
Deputy Attorney General

May 23, 1951

To R. A. Derbyshire, D. D. S.

. . . Reference is made to your letter of May 19, 1951, relative to a graduate of Dalhousie University, Halifax, Nova Scotia, who has been admitted to the practice of dentistry in New York and has practiced there for a period of five years. You inquire whether or not he may be admitted to practice in this State upon such examination as the Board may determine he should take. In your letter you state that Dalhousie University has not been approved as yet by the Council of Dental Education.

In reply you are advised that the Board may accept him as an applicant for admission to the practice of dentistry in the State of Maine, to take such examination as the Board may determine to be necessary, for the reason that in the absence of evidence to the contrary it would be assumed that the educational standards of the State of New York would be the equal of the educational standards of the State of Maine.

You will recall that within the last two years the question was raised whether or not a graduate of the Dental School of McGill University should be allowed to take the examination for the practice of dentistry in the State of Maine, the question involved being the fact that the Council of Dental Education of America had failed to rate McGill University. At that time it was developed that the Council had also failed to rate Harvard and Columbia. How many other dental schools the Council had failed to rate we do not know. If we are to continue to be confronted with the problem of graduates from known and recognized universities, over eligibility to take the examination for admission to the practice of dentistry in the State of Maine, by reason of the failure of the Council of Dental Education of America to act, it simply means that, for the purposes of Chapter 66 of the Revised Statutes of 1944, the value of the Council of Dental Education of America to the State of Maine is equivalent to its having ceased to exist, whereupon it becomes the duty of the Board of Dental Examiners to proceed to make its own ratings. . .

JOHN S. S. FESSENDEN
Deputy Attorney General

May 31, 1951

To A. D. Nutting, Forest Commissioner
Re: Pipe Line Lease

Reference is made to your letter dated May 28, 1951, requesting an opinion of the Attorney General relative to your authority to grant permits to the

Federal Government to cross public lots in the laying of a pipe line from Searsport to Limestone in this State.

You are advised that it is the policy of the Executive Department of the State Government to cooperate fully with Federal authorities in a matter of this nature, since it is one involving military preparation and national defense.

It is my opinion that, as Forest Commissioner having complete administrative control over the public lots, you have authority as such Commissioner, especially when coupled with the authority of the Governor and Council as provided in Section 8 of Chapter 1, R. S. 1944, to grant such permits upon such terms as may be agreed upon.

In entering upon the final transaction whereby the permit or license is actually granted, you should first have the authority of a council order passed by the Governor and Council, expressing the terms upon which the permit or license is granted.

JOHN S. S. FESSENDEN
Deputy Attorney General

May 31, 1951

To W. E. Bradbury, Acting Deputy Commissioner of Inland Fisheries and Game

Re: Revocation of a Guide's License

As I read the provisions of section 29 of Chapter 33, relative to guides' licenses, I find no provision whatsoever to the effect that guides' licenses are divisible as to fishing on the one hand and hunting on the other. Such licenses, it appears, are licenses to guide for all purposes, under the regulation of the Inland Fish and Game Laws.

It is therefore my opinion that the Commissioner does not have authority to issue a guide's license limited to fishing only or hunting only.

JOHN S. S. FESSENDEN
Deputy Attorney General

May 31, 1951

To General Spaulding Bisbee, Director of Civil Defense

Re: Powers of Arrest

I am returning herewith Frederick P. O'Connell's letter of May 2, 1951, in which he asks for an opinion as to whether or not an auxiliary policeman of Town A, upon being sent into Town B under the mutual-aid clause of the Civil Defense Act, carries with him the necessary police power to operate in Town B by virtue of the fact that he was sworn in in Town A, or whether it would be necessary to deputize him in Town B.

As I understand the plans of the Civil Defense Department, all law enforcement officials operating outside their own jurisdictions for which they were sworn to enforce the laws are to be attached to police sections of mobile