

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

reserve battalions. This was clarified by Chapter 273 of the Public Laws of 1951, which was the Act which revised the State Civil Defense Law, and provided specifically for the power of arrest, by amending Section 7 of the Civil Defense Law. I would answer, therefore, that if the auxiliary policeman was a member of a police section of a mobile reserve battalion, he would have the authority without being deputized in Town B; otherwise he would not have the authority.

JOHN S. S. FESSENDEN
Deputy Attorney General

May 31, 1951

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Right of Access to Great Ponds

Reference is made to your memorandum of May 18, 1951, in which you requested an opinion on the subject of the public's right of access to "great ponds".

It would not be feasible for the Attorney General's office to write an opinion on the subject of the public's right of access to great ponds since such an opinion would necessarily be of an extended length. While the opinion might be entirely adequate as to the law, the important thing in each case would be the facts, and the application of the law to the facts would be controlling in each case.

The law has been adequately and completely expressed in the Opinion of the Justices found at 118 Maine 503, which Opinion of the Justices in part affirms the decision in the case of *Barrows v. McDermott*, 73 Maine 441. The actual rule of law, very briefly stated, is as follows:

"Any person has the right to go to a great pond on foot through unenclosed woodlands belonging to another and to take fish there; but the privilege must be exercised in the light of the authority by which it is conferred, in that he must see to it that he does not trespass on any man's corn or meadow, tillage or woodland."

JOHN S. S. FESSENDEN
Deputy Attorney General

June 4, 1951

To the Maine Real Estate Commission
Re: Irrevocable Consent

With reference to your memo of May 22, 1951, in which you inquire whether or not a new irrevocable consent from out-of-state brokers should be required every six years, it is our opinion that such a practice, while not absolutely necessary, is one which is probably the safest for all concerned.

It is also 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, then in such instance that out-of-state broker should be required to file a new