

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

of the said committee. There being no such officers designated, you ask who has authority to sign Work Programs and other incidental documents.

It is our opinion that, in the absence of specific provisions, there is an implied power, necessarily present, permitting the members of the committee to elect such officers as are required to execute successfully the statutory duties of the committee.

The proper person, then, to sign such papers as you refer to in your question, would be that member of the committee to whom such power would be delegated, as evidenced by the election of that member as an officer of the committee.

JAMES G. FROST
Assistant Attorney General

August 2, 1951

To W. Earle Bradbury, Deputy Commissioner, Inland Fisheries and Game
Re: Interpretation of the word "Keeper", in Ch. 342, P. L. 1951

This office has received your memo of July 25, 1951, in which you ask if a man should "appoint a person not otherwise employed by him and not a member of his immediate family to patrol his orchard from time to time and kill any deer which he might find doing damage thereto," would a person thus appointed be a keeper in our interpretation of the law?

Chapter 342 of the Public Laws of 1951 amends section 84 of Chapter 33, R. S. 1944, by allowing, in subparagraph I, any person to kill deer where the deer is doing substantial damage to crops, and expressly permits a person to authorize a member of his family or a person employed by him to take such deer.

Paragraph II of the law allows a cultivator, owner, mortgagee, or keeper of said crops to kill deer or other protected wild animals doing damage, as provided in subsection I.

The question you have propounded is whether a person appointed by an owner of crops, not a member of his family or otherwise employed by the owner, comes within the term "keeper".

A "keeper" is one who has the care, custody, or superintendence of anything, or one who has or holds possession of anything. We do not feel that a person, such as you referred to, who would "from time to time" patrol the orchard, should rightfully be designated a keeper.

Another factor which tends to direct us to this conclusion is that the word "keeper" in subsection II of Chapter 342, is not intended to include a part-time patroller, in that the word "keeper" follows the terms cultivator, owner and mortgagee, all of which are such persons who have more than a temporary interest in the welfare of the property.

JAMES G. FROST
Assistant Attorney General