

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

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

which will influence the court in its decisions. However, we may consider this request to be one made by your department and therefore we feel to give you the opinion of this office.

It is well settled that the State may, under its police power, regulate businesses, occupations and trades, and this power includes the right to regulate by license certain businesses. These businesses must be reasonably classified, but we feel that portable sawmills are so classified. That there is a reasonable nexus to this classification is seen when you realize that the regulation is a forest fire prevention regulation.

As to whether certain persons in that classification, such as persons owning the land upon which the mills are situated, are exempt from such a license, the general rule is that, under the police power, a license must be directed against the business or practice, not against one or more of the persons who may be engaged in it.

It is, therefore, our opinion that a mill operator who owns the land upon which such a mill is situated is not exempt from the requirement of a license.

JAMES G. FROST
Assistant Attorney General

September 10, 1951

To Paul A. MacDonald, Deputy Secretary of State
Re: School Bus – Signal Law

Your memo of September 4, 1951, in which you inquire if a school bus is required to give signals in accordance with the requirements of Chapter 301 of the Public Laws of 1951, has been received by this office.

The term "bus" is not defined in our statutes, but the term "school bus" is defined in Section 9, Chapter 37, of the Revised Statutes. Chapter 301, P. L. 1951, definitely excludes buses from the necessity of making such signals as are required by that section; and we feel that "school bus" as defined by our statutes comes within the exclusion. This opinion is further substantiated by Section 9 of Chapter 37 of the Revised Statutes, which requires that such school buses shall be equipped with stop lights of a type approved by the Secretary of State. Such requirement being specifically included in one section, it would appear that the requirements of Chapter 301 are not applicable.

This opinion should not in any way be construed to exempt the driver of a school bus from liability due to negligent acts on his part while operating a school bus.

JAMES G. FROST
Assistant Attorney General

September 10, 1951

To Harland A. Ladd, Commissioner of Education
Re: Employment of Aliens

This office is in receipt of your memo of August 27, 1951, in which you