

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

be given when the city has such an intention, in answer to one of Mr. Coffin's question.

Relative to the appraisal of damages, we feel that he should use customary procedures relative to property to be condemned, and in the event that there are aggrieved parties, Section 33 of Chapter 84 affords relief.

JAMES G. FROST
Assistant Attorney General

November 20, 1951

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Featherfish and Spinning with Rod and Reel

This office has given consideration to your recent request for rulings concerning the so-called "featherfish" and "spinning with rod and reel".

On page 26, Section 44 of your Inland Fish and Game Laws, is found the legislature's ruling upon what may lawfully be used and what is restricted from use as concerns these two items. The statute provides that it is lawful to fish with the use of a single-baited hook and line, artificial flies, artificial minnows, artificial insects, spinhooks and spinners. By legal interpretation the word "artificial" is defined as being in opposition to the word "natural"; in one sense as being artful, subtle, crafty and ingenious. An exact imitation is not necessary to being an article within the meaning of the word "artificial". An imitation close enough to render an article suitable for use in like manner is sufficient. The statute does not define "fly" or "insect" or provide for definition by rule. While the definition on page 5 of your department's so-called "handbook" is proper, it is not exclusive, and an artificial fly or insect such as the sample supplied and called "flyrod size featherfish" is, in the opinion of this office, permissible under the statute for fly-fishing. We believe it is properly termed an artificial fly.

As to the spinning rod and reel, we believe that this instrument is lawful to be used if not left unattended. If left unattended it would be under the prohibition of a set line.

NEAL A. DONAHUE
Assistant Attorney General

November 20, 1951

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Court Cases before Judge Hugh Hastings

With your memorandum relative to the above subject you submitted a copy of a memorandum which you had received from the Governor, together with a copy of a letter which you wrote to the Governor dated October 3, 1951.

In your memorandum you ask for an opinion from this office relative to the law mentioned in the third paragraph of your letter to the Governor, which paragraph reads as follows: