

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

1856 that we are directed to the conclusion that Section 13 in itself cannot be construed to mean that a judge should be a resident of the City of Portland. . . .

JAMES G. FROST
Assistant Attorney General

February 11, 1952

To W. Earle Bradbury, Deputy Commissioner, Inland Fisheries and Game
Re: Fish Screen at Bear Pond

We have your memo of January 24, 1952, relative to Chapter 85, Resolves of 1951.

That part of the Resolve with respect to which you submit your question reads as follows:

“. . . Provided, however, that the Waterford Fish and Game Association shall assume all liability for the keeping of said screen at all times free from sticks, leaves and all debris, so that the same will not become clogged and prevent the free running of water through the same; . . .”

You ask: “If the screen is not kept clean and the water in the pond is raised to a level such as to cause damage to land owners adjacent thereto, who is the liable party in case of a civil suit for damages?”

It is the opinion of this office that the State is held free from liability in such a matter and that, properly, the Association or any one or more of its members are the liable parties.

JAMES G. FROST
Assistant Attorney General

February 12, 1952

To Harland A. Ladd, Commissioner of Education
Re: Status of Academies and Institutes

By your memo of February 5, 1952, this office is asked to determine the eligibility of academies and institutes in Maine to participate in the Federal vocational educational program as administered by your department.

You call attention to the fact that subsidization of such a program through funds made available to the State through Federal legislation is available only to public schools and not to those institutions of learning which are private in character, and you state that the United States Office of Education has requested that the status of academies and institutes be resolved with respect to their receiving this aid.

This office has felt for some time that the academies and institutes within the State of Maine cannot arbitrarily be classified as private on the basis of their names or titles. There is always the possibility that a school bearing the title “Academy” is, in fact, for some reason or other — perhaps under the provisions of Section 103, Chapter 37, R. S. 1944 — a public school.