

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

May 8, 1952

To Harland A. Ladd, Commissioner of Education
Re: Powers of Superintending School Committee

You ask if either paragraph V of section 50 of Chapter 37 or section 80 of that chapter will permit a superintending school committee, as a matter of policy, legally and properly to exclude from school, at least for the remainder of a school year, those students who marry while less than 21 years of age and who are regularly enrolled in a program of free public education.

It is the opinion of this office that such action is not permitted under either of the above mentioned sections and would, in fact, be repugnant to public policy, in that the courts have always frowned upon any action which might be construed as restraining marriage after the party has reached a legal marriageable age, where no immorality or misconduct is present.

JAMES G. FROST
Deputy Attorney General

May 13, 1952

To Col. Francis J. McCabe, Chief, Maine State Police
Re: State Police Reserve Corps

It is the opinion of this office that members of the Reserve Corps enlisted as volunteers and not on any payroll of the State would not be protected by the Workmen's Compensation Act in such employment.

If a member is disabled or injured during active service and on a payroll, he would be entitled to benefits under the Workmen's Compensation Act in case of injury by accident.

NEAL A. DONAHUE
Assistant Attorney General

May 16, 1952

To Roland H. Cobb, Commissioner, Inland Fisheries and Game
Re: Fencing of Fur Farms

We have your memo of May 1, 1952, relative to the sixth paragraph of section 11 of Chapter 33 of the Revised Statutes.

This paragraph provides that the commissioner may issue permits to any person, firm or corporation to engage in the business of propagating game birds, game or wild animals under such regulations as he shall establish. It further provides that the commissioners may issue to any person, firm or corporation permits to fence in or enclose land for *the above named purpose*.

You ask this office, "Should such a Fur Farm be enclosed by the type of fence which would hold the animals in, and keep other animals out, or would a single wire be considered sufficient for the boundaries of such a Fur Farm?"

Used as a noun, "fence" is an enclosing barrier about a field or other place or about any object, especially an enclosing structure of wood, iron or other