

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

custody of the prisoner. It is the responsibility of the United States Marshals to return the prisoner.

ALEXANDER A. LaFLEUR
Attorney General

June 9, 1952

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Beaver Damage

You have asked this office what action a warden can take to eliminate beaver from those areas in which they are causing damage. You state that their activity floods roads and fields where people raise meadow hay, and ask if it is possible for the wardens to trap or shoot beaver when they are doing such damage.

Section 100 of Chapter 33 is that section relating generally to beaver, and the fifth paragraph of subsection III thereof states that no person shall take beaver anywhere in the state at any time except during such open season as may be declared by the commissioner in accordance with the provisions of this section.

Section 84, subsection II provides that under certain conditions set out in the first paragraph of 84 any protected wild animal *except* beaver, or birds may be killed by the owner or keeper of the property mentioned in subsection I. Subsection I, however, states that such animal may not be killed when the only damage done is to grass.

It is therefore the opinion of this office that special legislation must be enacted before you can move in the direction of eliminating beaver which are causing damage to hay.

JAMES G. FROST
Deputy Attorney General

June 9, 1952

To Fred M. Berry, State Auditor
Re: Extension of Credit

This office is in receipt of your memo requesting the opinion of this office relative to the legality of the extension of credit by State agencies in instances where sales of material or services are involved. You draw our attention to a memo dated November 25, 1949, written by the former Attorney General, Ralph W. Farris, in which he stated that he was of the opinion that the State Prison did not have authority to do a credit business.

It is the opinion of this office that the memo of Mr. Farris in 1949 relates not only to the State Prison, but is the general rule with respect to all State departments. We can find no general law authorizing a State department to extend credit for the sale of materials or for services, and we feel that such extension of credit is in reality an extension of the credit of the person authorizing such credit.