

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

that the law provides that the Kennebec Journal "shall be the state paper," and ask if from a legal point of view you should keep the original printed editions of the state paper when you have microfilmed reproductions.

We can find no express provisions authorizing the destruction of such paper, it not being classified as a record of your department. We are of the opinion that before such paper is destroyed there should be legislative approval.

We draw your attention to Chapter 91 of the Public Laws of 1951, relating to the old records of any State department, which authorizes the destruction of such records, if they are valuable, provided they have been photographed or microfilmed. We feel that similar authority should be granted with respect to the "state paper".

JAMES G. FROST  
Deputy Attorney General

June 18, 1952

To Honorable George D. Varney  
Re: Turnpike Employees — Retirement

This will acknowledge receipt of your letter of June 17, 1952, in which you inquire as to the eligibility of the Maine Turnpike to join the Maine Retirement System.

In response to your question, please be advised that we are of the opinion that the Maine Turnpike has all the attributes of a "quasi-municipal corporation" and may join the Maine Retirement System.

This opinion is based upon a complete reading of Chapter 69 of the Private and Special Laws of 1941, particularly sections 4 and 18.

ALEXANDER A. LaFLEUR  
Attorney General

June 20, 1952

To Robert L. Dow, Commissioner of Sea and Shore Fisheries  
Re: Alewife Fishery in Newcastle

This office is in receipt of your memo of June 6, 1952. You state that presently the towns of Newcastle and Nobleboro share exclusive rights to the alewife fishery at Damariscotta Mills on the Damariscotta River. You also state that the Town of Newcastle wishes to construct a fishway at Sherman Lake, which is a part of the Sheepscot River watershed and wholly within the Town of Newcastle, and that the Town of Newcastle wishes to keep to itself the exclusive alewife fishery rights with respect to this new development. The question has been asked if the law with respect to the Damariscotta River is broad enough to permit this proposed development at Sherman Lake.

The answer to this is, No.

So far as this office can ascertain, the Damariscotta River and the Sheepscot River are distinct bodies, and legislation with respect to the Damariscotta

River does not embrace potential activity on the Sheepscot River. It is the opinion of this office that before steps can be taken in this direction legislative approval is necessary.

JAMES G. FROST  
Deputy Attorney General

June 20, 1952

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

. . . The Rangeley Lakes Guides Association complains that guides, after having lost their licenses to guide, are continuing to function as guides on a \$1 motor-boat pilot's license. The Guides Association would like to know if you could get a ruling from this department to prevent this. . .

There seems little that can be said by this department that would prevent this situation. It is obvious that a person having a \$1 motor-boat pilot's license is not authorized to be a guide. I would suggest that, in instances where such a practice is known to be carried on, the matter be presented to the County Attorney and action brought under section 119 of Chapter 33 of the Revised Statutes, which is the general penalty statute and would cover such a situation.

JAMES G. FROST  
Deputy Attorney General

June 24, 1952

To Frank L. Ames, Esquire, Norridgewock

I have yours of June 12, in which you desire to have me express the reasons for the denial of the application of the Town of Norridgewock to the Maine School Building Authority.

At the outset I would like to point out to you that it was not on the advice of this office alone, that the decision was made. The problem has been discussed many times, not only in this office but with the bond counsel, Mitchell and Pershing of New York, and with counsel for the trustee bank, Judge Carroll Chaplin of Portland. There were such grave doubts as to the answer to the School District problem, that this was one of the four questions that were sent to the Justices of the Supreme Judicial Court by Governor Payne. These questions were not answered because the Justices decided that this was not a "solemn occasion". Thus, the grave doubts were still with us, and because of the serious nature of the problem and the fact that the bond issues for each town were to be "bundled" into different year groups, the Authority, on the advice of this office, as well as bond and trustee counsel, decided upon a policy of excluding from consideration any town which had a school district coterminous with the town, which it had not rejected.

It was definitely felt that to allow any town to be financed under such circumstances might jeopardize a whole issue of bonds and perhaps cast grave doubts upon the validity of the Authority's bonds. The Authority must