

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

not entitled to dictate that the city shall contribute to match his contribution for that period. After four years of employment under the Act, either Act, that option is lost if it has not been availed of by the employee.

Of course there is no option to employees new in employment since the date of establishment of either Act, as membership is a condition of employment.

NEAL A. DONAHUE
Assistant Attorney General

September 15, 1952

To W. Earle Bradbury, Deputy Commissioner of Inland Fisheries and Game
Re: Seals

This is in response to your recent request for a ruling as to whether or not common seals come within the meaning of "wild animals" as described in section 13 of Chapter 33 of the Revised Statutes.

"Wild animal", as defined in Chapter 33, is a species of animal wild by nature, whether bred or reared in captivity, as distinguished from the common domestic animals.

A seal is an animal wild by nature and comes within the definition of section 13.

The general rule is that wild animals at large within its borders are owned by the State in its sovereign capacity and are not subject to private ownership except in so far as the State may choose to make them so.

JAMES G. FROST
Deputy Attorney General

September 16, 1952

To Governor Frederick G. Payne
Re: Terms of Office of Appointive members of the Maine School Building Authority.

The Maine School Building Authority Act, Chapter 405 of the Public Laws of 1951 Section 215, provides that the Authority shall consist of seven members. Three of these are members by virtue of their office, namely the Governor, the Commissioner of Education, and the Senate Chairman of the Committee on Education, and they hold office on the Authority from the date of their qualification until the expiration of their respective terms in their respective offices.

The remainder of the Authority is made up of members appointed by the Governor. One member of the State Board of Education to be appointed by the Governor, to serve during their incumbency in said office, and three members at large appointed by the Governor for terms of three (3), four (4), and five (5) years respectively to hold office as follows: one until the completion of the third full fiscal year following his appointment, one until the completion of the fourth such full fiscal year, and one until the com-

pletion of the fifth such full fiscal year. Thereafter, all appointments are to be for five years; vacancies are to be filled for the remainder of term of the retiring member.

The present member of the State Board of Education who is serving on the Authority is Mr. Frank Hoy, whose term on the Board runs from August 24, 1952, until August 24, 1957, his term on the Authority should be exactly the same.

On September 20, 1951, the Governor pursuant to the above mentioned statute appointed Mr. John Vose to the three year term, Mrs. Helen C. Frost to the four year term, and Mr. Jasper Stahl to the five year term. The question then arises, when do their respective terms end?

The Act is rather unusual in that it sets up as an initial yardstick the requirement that the three members appointed at large shall, in the first instance, serve terms which shall not terminate until they shall have held office for three, four, and five full fiscal years, respectively, following their appointment.

Chapter 14, Section 5 of the Revised Statutes of 1944 describes the fiscal year as follows:

“The fiscal year of the state government shall hereafter commence on the 1st day of July and end on the 30th day of June of each year.”

As a fiscal year does not start until the 1st day of July of each year, any members at large appointed initially to the Authority after said date would not commence to count their respective terms until the next ensuing fiscal year began. Thus, the respective members at large stand as follows:

Members at Large	Appointed	Term	Expiration
Mr. John Vose*	9/20/51	3	6/30/55
Mrs. Helen C. Frost	9/20/51	4	6/30/56
Mr. Jasper Stahl	9/20/51	5	6/30/57
Mr. Richard B. Sanborn*	3/25/52	3	6/30/55

As Mr. Vose resigned his position on the Authority and Mr. Sanborn was appointed to succeed him, Mr. Sanborn's term will expire on June 30, 1955, as the law provides.

ROGER A. PUTNAM
Assistant Attorney General

September 17, 1952

To General Spaulding Bisbee, Director, Civil Defense and Public Safety
Re: Interstate Compacts

. . . Both the State of Maine and the State of New York recognize the consummation of an Interstate Civil Defense Compact as between the two States. Letters to this effect have been exchanged by the two States and are in the files of the Secretary of State.

It will be noted that because of limitations in the New York State Defense Emergency Act, Laws of 1951, Chapter 784, assistance pursuant to the Compact will be rendered by the State of New York only in the event of attack.