

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

You ask, "What are the physical characteristics of staking stakes?"

This has not been provided by statute: but the statute provides that a license may be granted by the Bureau under such terms and conditions as it may require, which would indicate that the Bureau might require a certain type of stake to be used for that purpose.

NEAL A. DONAHUE
Assistant Attorney General

November 21, 1952

To Roland H. Cobb, Commissioner, Inland Fisheries and Game
Re: License of Juvenile Delinquent

In answer to your memo of October 30, 1952, in which you ask if a juvenile delinquent's license to hunt should be revoked on conviction of juvenile delinquency on a charge of negligently shooting a human being while hunting for game, it is our opinion that such license may be revoked by the Commissioner under the provisions of section 64 of Chapter 33 of the Revised Statutes. Such a person has been convicted of a violation of the laws as contemplated by the Act.

JAMES G. FROST
Deputy Attorney General

November 24, 1952

To A. D. Nutting, Forest Commissioner
Re: Reimbursement of Costs of Fire Fighting

You have asked this office if under Chapter 356 of the Public Laws of 1949 the State should "reimburse for medical expenses, medical supplies, and compensation for lost time of fire fighters as a result of working on a forest fire."

Paragraph I of Chapter 356 provides a penalty in the event a person refuses or wilfully fails to render assistance when called upon to suppress a forest fire. The second paragraph of VI, after enumerating several specific expenditures which qualify a town for reimbursement, concludes in this manner, "and other costs approved by a forest fire warden in charge". The last above-quoted phrase, in conjunction with that part of the Act which makes it mandatory for a person to serve if called upon, would imply that any injuries suffered by such a person ought to be reimbursed by the town and ultimately the State according to the formula set out in the Act.

It is definitely our opinion that nothing in the Act prevents such reimbursement, but we would say that whether or not a particular individual should be reimbursed would be a question for administrative decision on the part of the Commissioner, proof being given that such injuries were actually sustained and claim having been made as provided for by the statute. Much difficulty would be present in administering reimbursement for lost time of