

# 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

fire fighters, and this difficulty may cause hesitation on the part of the Commissioner before approving such compensation.

JAMES G. FROST  
Deputy Attorney General

November 24, 1952

To Roland H. Cobb, Commissioner, Inland Fisheries and Game  
Re: Use of Venison in Thanksgiving Baskets

You have asked this office to rule on the following question:

“Does this Commissioner have the legal right to give deer meat to the Ladies Aid of Kezar Falls for Thanksgiving baskets to the poor? Said meat legally taken by our Warden Service and usually given a State Institution.”

Under the provisions of section 84, paragraph IV, of Chapter 33, it would appear that such deer found dead, not having a tag attached thereto identifying the owner, may be disposed of by direction of the Commissioner. Under such a law it would be permissible for the Commissioner to give the deer to such charities as he might deem proper.

I might suggest that the giving should be closely supervised.

JAMES G. FROST  
Deputy Attorney General

November 26, 1952

To Hon. Harold I. Goss, Secretary of State  
Re: Doing Business in this State

You have asked this office to determine whether or not, under the following fact situation, a concern would be considered as doing business within this State so as to require registration:

“We have a client which is contemplating establishing stocks of merchandise at a central point in your State to permit it to make quicker delivery than it can make by shipping the merchandise to one of our client’s dealers in your State under a consignment or trustee agreement. This stock would be in addition to the stock purchased by the dealer to fulfill his ordinary requirements. It would be held by the dealer to meet the requirements of all dealers in his territory, including himself. No withdrawals from the stock would be made excepting on orders issued by our client from Syracuse. On all sales made from this stock the dealer holding same would be paid a percentage of the price to compensate him for warehousing, insurance and handling the stock.”

It is the opinion of this office that the activities conducted Within the State of Maine as described in the above paragraph would constitute the doing of such business as is contemplated by section 132 of Chapter 49, R. S. 1944, and hence it would be necessary for that firm to appoint an attorney in this State upon whom service may be made.

JAMES G. FROST  
Deputy Attorney General