

MAINE STATE LEGISLATURE

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no

April 15, 1953

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Non-Resident Agents

We have your memo of April 3, 1953, requesting an opinion in the matter of Charles J. Comeau of East Brookfield, Massachusetts, who is in arrears on his 1952 non-resident license account by \$207.50. According to your files he stated under oath that these licenses for which he has not accounted to you were lost during the remodeling of his store. We were asked our opinion as to whether he should be retained as agent and sent additional licenses to sell (or lose).

With respect to whether or not he should be issued new licenses under the above circumstances, we feel constrained to say that it is not a question of law. Our office gives advice and opinions on questions of law and hesitates to substitute its judgment for that of other departmental officials in administrative matters.

You also asked us what further steps should be taken in this matter. An answer to this question may give the answer to your first question. This office has no jurisdiction in courts outside the State of Maine. The only way we could enforce, outside the State, such a contract as here exists would be through the grace of some Massachusetts judge, permitting us to practise in the courts of the Commonwealth of Massachusetts. This limitation on the authority of the Attorney General's office would lead us to the conclusion that the legislature did not intend that the Commissioner of Inland Fisheries and Game should appoint non-resident agents for the purpose of selling departmental licenses. However, realizing the value to the State, both monetary and in the field of publicity, we would suggest that legislation be requested, authorizing the Commissioner to appoint out-of-state agents and at the same time setting up an appropriate procedure by which such non-resident agents would be bonded by a Maine bonding company. In such an event, suit could be had upon the bond and there would be no question about the extraterritorial jurisdiction of the Attorney General.

In answer to your third question, "How long would you consider a reasonable time in a new year within which agents would be required to completely settle the previous year's account?" we would refer you to your letter of April 1, 1953, addressed to Quinn's Sporting Goods Store, Providence, R. I., in which you stated, "I trust that you will promptly remit the amount due, as we should not continue to keep our accounts in the hands of people who cannot follow the law, which means a complete clearance every month."

You also sent us a memo dated April 2, 1953, relative to the account of said Quinn's Sporting Goods Store, which account is overdue in the amount of \$550. A Receiver has been appointed by the court to carry on the business of Quinn's, Inc., and you have asked us what steps should be taken in this matter.

We would draw your attention to the paragraph numbered 13 in the Decree appointing the permanent Receiver. We believe that compliance with this paragraph is all that can be done in this particular matter. We do feel, however, because of the encouraging comments in the Receiver's letter, that such action is all that will be necessary.

You do not have the security or lien, as underlined in paragraph 13, so you should merely send the statement and explain that this sum is owed for licenses sold by the agent. . .

For Alexander A. LaFleur
Attorney General

By James Glynn Frost
Deputy Attorney General

jgf/e