

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

October 5, 1953

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

We have your memo of September 30, 1953, with attached letter from Phillips H. Lord and intra-departmental memos concerning Mr. Lord's Bartlett Island.

It appears that Mr. Lord is desirous of selling his island and that, to make it salable, he thought it desirable that legislation be passed, placing in the Commissioner of Inland Fisheries and Game the discretion of removing hunting restrictions placed upon the island. In their anxiety to have limited restrictions, it appears that the legislature completely removed Bartlett Island from that statute which made it a game preserve. Now Mr. Lord wishes the State to take it over until the next legislature for any purpose, to the end that hunting not be permitted on the island.

It is apparent from the intra-departmental memos that proper management would require that the island be opened to deer hunting and that a short-term lease not be negotiated.

That statute which made Bartlett Island a game preserve was amended during the last session of the legislature, to remove any restrictions against Bartlett Island. While this is not strictly a legal question, it would appear to be directly in conflict with legislative intent if, after the legislature removed restrictions from Bartlett Island, the Commissioner of Inland Fisheries and Game were to renew them.

To our knowledge, Section 129 of Chapter 33 of the Revised Statutes appears to be the only section empowering the Commissioner to create game preserves. This statute limits the land which may be created a game preserve to 1000 acres. Such preserve would, therefore, only partially cover the 3000-acre tract comprising Bartlett Island.

Considering all these factors and the recommendations of members of your own department, we feel that Mr. Lord has made a request impossible to comply with.

JAMES G. FROST
Deputy Attorney General

October 13, 1953

To A. D. Nutting, Forest Commissioner
Re: Federal Funds

We have your memo in which you ask that our opinion of July 10, 1953, relative to the encumbrance of State funds be reviewed, to the end that an amendment be made to that opinion so that Federal funds will not lapse.

It appears that your Department receives certain monies from the Federal Government under the provisions of the Clarke-McNary Law, such funds being allocated by the United States Department of Agriculture to the several States under a formula determined primarily upon the amount of money spent by the States. The money must have been spent on projects approved by the