STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1951 - 1954

January 20, 1954

To Frank S. Carpenter, Treasurer of State
Re: Suit to Recover Contractor's payments

John G. Marshall, Esq., of Auburn has made inquiry of you relative to the use of your name in bringing suit against Susi and Sons Co. and the bonding company, Hartford Accident and Indemnity Company, to recover subcontractor's payments that are due Snow's, Inc.

The proper procedure in bringing suit is to have the Treasurer of State as the proper party plaintiff, and we have a case in Maine to that effect.

This office feels that you should cooperate with Mr. Marshall in lending your name, because it is in furtherance of that very purpose that one condition of the bond is that the contractor will always pay his subcontractor. We feel that you should drop a line to Mr. Marshall, authorizing the use of your name, but specifically setting forth two conditions, — 1, that he will guarantee that you will not be liable for any costs that may be incurred in the suit; and, 2, that you will be held harmless from any personal liability or expense...

ROGER A. PUTNAM
Assistant Attorney General

January 22, 1954

To Honorable Burton M. Cross, Governor of Maine
Re: Rent Control

The attached letter was forwarded to this office, so that we could advise you as to the status of rent controls in the State of Maine and the possibility of State action relative to charging high rentals in certain areas.

We call your attention to Section 41 of Chapter 124 of the Revised Statutes of 1944, which deals with profiteering in rentals:

> "Whoever demands or collects an unreasonable or unjust rent or charge, taking into due consideration the actual market value of the property at the time, with a fair return thereon, or imposes an unreasonable or unjust term or condition, for the occupancy of any building or any part thereof, rented or hired for dwelling purposes, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment."

This is a criminal statute which may be invoked on complaint to the local authorities. The County Attorney would be the proper prosecuting officer.

As to federal rent controls, we have checked the federal law and find that by the provisions of 50 U. S. Code Annotated, section 1894, subsection (1), whenever the Secretary of Defense and the Director of Defense Mobilization, acting jointly, shall determine and certify to the President that any area is a critical defense housing area, the President shall, by regulation or order, establish such maximum rent or rents for any housing accommodation not then subject to rent control in such area or portion thereof as in his judgment will be fair and equitable.

Further provision is found in the same section, subsection (5) (A) (ii), to the effect that the provisions of this Title (dealing with rent control as a whole) shall cease to be in effect at the close of April 30, 1954 in any area which has been or is certified under subsection (1) of this section (1894) as a critical defense housing area.

From the foregoing statutes you will see that acting in concert, the Secretary of Defense and the Director of Mobilization could in their discretion certify the Bangor area as a critical housing area, due to the impact of Dow Field, and the President could order controls until April 30, 1954, unless Congress in the meantime extends the effective date of the Act.

We trust that the foregoing will give you ample ammunition to answer the inquiry. . .

ROGER A. PUTNAM
Assistant Attorney General

January 25, 1954

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Game Management Areas – Trapping

You have forwarded to us certain questions asked by W. R. de Garmo, Chief of your Game Division, which arose after an opinion was rendered by the Deputy Attorney General on December 3, 1953.

We feel that Questions 1 and 2 may be considered together. It is the opinion of this office that the third paragraph of Section 12-A of the Latest Biennial Revision of your law provides that the proceeds from the sale of fur-bearing animals caught within a Game Management Area *shall* be used for the maintenance of Game Management Areas. Following the logical sequence, it would seem to us that this trapping should be done by employees of your department rather than by endeavoring to accomplish the same result by bringing in independent fur trappers. We feel that in this manner the State will get the most for its money and we feel that it was the intention when the legislature provided that the proceeds should be so used.

This answer renders an answer to Question 1 unnecessary.

In answer to Question 3, we feel that the Commissioner may establish seasons at variance with general open seasons, when trapping fur-bearing animals, as the provisions of the first paragraph of Section 12-A are very broad and this in effect would carry out the purpose of controlling the game population as the department sees fit. Any seasons at variance with the general open seasons should be closely regulated by proper regulations, as provided by paragraph 4 of Section 12-A.

Question 4 is rather broad; but as we have not held all the practices inquired about to be improper, there would seem to be no necessity for advising that certain legislation is necessary to control harvests in your Game Management Areas. If our decision has thrown too heavy a burden on your personnel and it is not administratively sound, then legislation might be necessary; but that is for your department to decide in the first instance.