STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1951 - 1954

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.

I might add in closing that the questions propounded and the answers here given in no way change the ruling of the Deputy Attorney General on December 3, 1953.

ROGER A. PUTNAM
Assistant Attorney General

January 27, 1954

To Department of Labor and Industry
Re: "Hotel"

We have your memo of January 13, 1954, in which you request of this office a legal interpretation of what constitutes a "hotel".

It can be generally stated that a "hotel" is a building held out to the public as a place where transient persons who come will be received and entertained as guests for compensation.

"Hotel" is synonymous with "inn". A hotel does not lose its identity by bestowing upon it a different name, such as "The X House", if in fact such place is used as a hotel.

Indicia or elements helpful in determining whether or not such building is a hotel are: Does it have a lobby, a hotel register, some daily accommodations available, and a place for the safe keeping of guests' valuables?

JAMES G. FROST
Deputy Attorney General

January 27, 1954

To Philip A. Annas, Associate Deputy Commissioner, Education
Re: Classification of High Schools under Section 89 of Chapter 37

We have your memo of January 8, 1954, in which you state the following fact situation and pose the following question:

"One of the functions of our department is to classify the high schools according to the description given in Section 89.

"This section permits a junior high school to be maintained as a part of a Class A high school. When this is done, the school consists of grades 7-12 or grades 8-12.

"Question": May a school of this type be classified as a Class A secondary school if the faculty consists of but two teachers?"

This office is of the opinion that, to be a Class A secondary school, there must be at least two teachers employed solely for the purpose of conducting the courses required of such a school (at least one approved course of study through four years of 36 weeks each and of standard grade, together with approved laboratory equipment.).

It would be our further opinion that a school having such a required course of study and employing two teachers is no longer a Class A school if a junior high school is maintained with or is a part of that high school, thereby