

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

August 17, 1954

To Hon. Burton M. Cross, Governor of Maine
Re: Request for Moose

This office has been asked if the Governor and Council have the authority to grant to the Museum of Natural History, Springfield, Massachusetts, permission to obtain Maine moose to complete its collection of New England wild life.

Commissioner Cobb has stated that he doubted if such authority rested in him, and the question now arises as to whether or not the Governor and Council have such authority.

The wild life in the State of Maine is held in trust by the State for the people, surrounded by such laws as the legislature has made and the rules and regulations which the legislature has authorized to be made. It is our opinion that the Governor and Council do not have the authority to grant the permission requested.

Section 81 of Chapter 33 of the Revised Statutes provides that no person shall hunt, kill, or have in his possession any moose or parts thereof, the sole exception being moose that have been legally killed outside the State. Those laws which have been enacted for the benefit of the Commissioner, enabling him to use wild life in breeding or for advertising purposes, or for scientific purposes can be found in Section 11 of Chapter 33, none of which contemplates the use of wild life in the manner suggested by the Director of the Museum.

JAMES GLYNN FROST
Deputy Attorney General

August 25, 1954

To Maine Milk Commission
Re: Delinquent Payments by Dealer

This will acknowledge receipt of your memo of August 25, 1954, in which you ask two questions concerning the sale of milk between the producer and the dealer, the dealer having fallen behind on his payments for milk and owing \$500 for two months' deliveries:

1. Can the Commission compel the dealer to make full payment to producer on or before a given date each month?
2. Can the Commission compel the dealer to reimburse the producer for an underpayment disclosed by audit of the dealer's accounts?

We are not aware of, nor has our attention been drawn to, any statute which would permit the Commission to intervene in what clearly appears to be a personal problem between the producer and the dealer. A producer has been provided adequate remedies through court action to collect any sums owed him by virtue of a purchase and sale agreement between a dealer and that producer.

JAMES GLYNN FROST
Deputy Attorney General