

# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT  
OF THE  
ATTORNEY GENERAL

for the calendar years  
1955 - 1956

the purpose of protecting game animals, birds, and fish. That section further provides that it is a crime to hunt, trap, etc., on these lands except under such rules and regulations as the Secretary of the Interior may from time to time prescribe.

It would appear to me that if the manager is authorized by the Department of the Interior or its properly designated agent to remove the excessive amount of beaver on this Refuge, he is fully empowered to do so under federal law, and that federal law supersedes State law.

Covering a point not requested in your inquiry, from the above it follows that it is not necessary to tag the beaver so taken, under the provisions of Section 100 of your chapter. In order to protect the individuals taking same, however, Mr. Radway should give some sort of certificate to the trapper in order to protect him from prosecution under Section 100; otherwise he may find it rather hard to prepare his defense.

ROGER A. PUTNAM  
Assistant Attorney General

January 10, 1955

To William P. Donahue, County Attorney, York County

Re: Medical Examiners' Fees

. . . You ask for an interpretation of Section 252 of Chapter 89 of the Revised Statutes of 1954, which section reads in part as follows:

"Every medical examiner shall render an account of the expense of each case . . . and the fees allowed the medical examiner shall not exceed the following, viz: review and inquiry without an autopsy, \$15; for review and autopsy, \$50."

You inquire if a medical examiner who first conducts a review and inquiry without autopsy and later an autopsy at the request of this office is entitled to collect both the \$15 fee and the \$50 fee or whether he is entitled only to the \$50.

We believe that the clear wording of this statute precludes any determination other than that the combination of view and autopsy calls for a \$50 fee. We do not believe that the fact that the Attorney General has, in a particular instance, authorized the autopsy should call for the medical examiner's receiving both fees. It fairly often happens that the Attorney General authorizes the autopsy because the County Attorney is for the time being unavailable.

JAMES GLYNN FROST  
Deputy Attorney General

January 14, 1955

To Colonel Robert Marx, Chief, Maine State Police

Re: Failure to forward Appeal Seasonably

We have your memo . . . requesting an opinion from this office.

It appears that a person was arraigned before a trial justice, found guilty, and sentenced to imprisonment and to pay a fine with costs. The respondent appealed to the September term of the Cumberland County Superior Court, but the trial justice through an oversight failed to send the appeal papers in time for the matter to be heard at that term of court, in fact after that term had closed.