

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

the September election, next after their occurrence" were not enacted in contemplation of a special election and also refer to the regular biennial election.

FRANK F. HARDING
Attorney General

August 5, 1955

To Harry E. Henderson, Deputy Treasurer of State

Re: Mortgaged Property

. . . Your memo of August 4 reads as follows:

"The State of Maine holds a mortgage on farm property . . . in Wayne. The principal amount of the loan has been reduced by payments from the original amount of \$1400.00 to the present balance of \$391.52.

"The Treasurer of State has notice that on February 16, 1954, the Collector of Tax for the Town of Wayne recorded with the Registry of Deeds of Kennebec County a tax lien covering an unpaid tax for 1953. This lien will expire before the date of the next meeting of the Governor and Council.

"Section 25 of Chapter 177, Revised Statutes of 1954, provides for various actions by the Treasurer of State relative to mortgages owned by the state. Does the Treasurer of State have authority under the statutes to pay the tax and costs in this instance for the purpose of protecting the state's interest as mortgagee?"

It is our opinion that the Treasurer of State is not only authorized to pay the tax and costs in this instance, but is under a duty to do so. Investments authorized by the statutes must be safeguarded whenever possible.

JAMES GLYNN FROST
Deputy Attorney General

August 10, 1955

To Stanley R. Tupper, Commissioner of Sea and Shore Fisheries

Re: Herring under 4" Long

. . . You request that we reduce to writing an oral opinion given with respect to the provisions of Chapter 304 of the Public Laws of 1955, which law will become effective on August 20, 1955.

That part of the statute with which we are concerned reads as follows:

"Except for use as bait for fishing, it shall be unlawful for any person, firm or corporation to take from the coastal waters of Maine, or to sell, offer for sale, purchase, transfer in any manner, use, process, dispose of in any way or have in his possession for any purpose whatsoever herring less than 4 inches long, overall length measured from one extreme to another; except that when herring under 4 inches in length are mixed with longer herring and the herring of prohibited size represent less than 25% of the lot taken at any one time, sale or purchase, the foregoing provisions in this paragraph shall not apply. . ."