

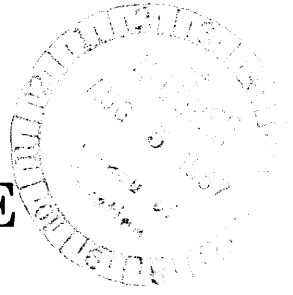
# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT  
OF THE  
ATTORNEY GENERAL

for the calendar years  
1955 - 1956

ner of registration, and we are of the opinion that the only reasonable way to achieve the intent of the Legislature that Indians vote is to have them register in Old Town and then vote on Indian Island.

FRANK F. HARDING  
Attorney General

September 9, 1955

To Ronald W. Green, Chief Warden, Sea and Shore Fisheries

Re: Juvenile

It appears from the record presented that X. was charged with the offense of molesting a lobster trap belonging to Clyde Eaton, which was then and there set for the taking of lobsters and crabs, without the written permission of the owner thereof, the same being a violation of Section 117 of Chapter 38, R. S. 1954.

Although the record does not completely disclose the age of the accused, we presume that X. was under the age of 17, in view of the adjudication by the Western Hancock Municipal Court that X. stood convicted before this court of juvenile delinquency.

Section 2 of Chapter 146, R. S. 1954, after setting out certain provisions for juvenile courts relating to crimes committed by children under the age of 17, provides as follows:

“Any adjudication or judgment under the provisions of sections 4-7 (of Chapter 146) inclusive, shall be that the child was guilty of juvenile delinquency, and no such adjudication or judgment shall be deemed to constitute a conviction for crime.”

The Commissioner, under date of August 3, 1955, wrote X. to the effect that his license had been suspended under the provisions of Section 117, *supra*, the last sentence of which provides as follows:

“Any person convicted of a violation of any provision of this section shall be ineligible to hold a lobster fishing license for a period of 3 years from the date of such conviction.”

Attorney for X. has questioned the right of the Commissioner to suspend, in view of the provisions of Chapter 146 above mentioned. The opinion of this office is that X. was not convicted within the meaning of Section 117 of Chapter 38, *supra*, and that the Commissioner was without jurisdiction to suspend his license.

The legislature has seen fit to cast a protective cloak around juveniles. The cloak may sometimes produce results which were not foreseen at the time. This, apparently, is one of those loopholes, and it would be appropriate for you to seek such legislative action as you may deem necessary after reading this opinion.

ROGER A. PUTNAM  
Assistant Attorney General