

MAINE STATE LEGISLATURE

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700

October 18, 1955

To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Issuance of Resident Licenses - Town Clerks

We have your memorandum of October 17th regarding the issuance of resident and non-resident hunting and fishing licenses. You refer once again to our memorandum of August 12th regarding the same subject.

We appreciate that there is a great deal of difficulty in ascertaining whether a person is a resident or a non-resident. We cannot overemphasize the fact that this issue is one of fact and not one of law and that it is practically impossible to give anyone a mechanical formula for determination of the question. The issue of necessity must lie with the sound judgment that is placed in the town clerks by the legislature. If this is not the proper place to have this determination made, then the legislature should be so advised.

We agree that under the new law the town clerks are your agents. We do not necessarily agree that because they are your agents you should do their work or that we should sit in final judgment on questions of fact. As pointed out in our memorandum above referred to, the matter is within the jurisdiction of the town clerks. No right of appeal is given to the Commissioner, and we would say that the making of town clerks agents of the Commissioner does not give the Commissioner the power of appellate review.

Once again, any party aggrieved by the decision of a town clerk has an adequate legal remedy.

Frank F. Harding
Attorney General