

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

I submit that our suggestion of court action is a better proceeding, in that it would result in a ruling by the court on which any future action could be based.

FRANK F. HARDING
Attorney General

January 16, 1956

To George W. Bucknam, Deputy Commissioner, Inland Fisheries and Game

Re: Opening Areas Closed by Commissioner

Under Section 119 of Chapter 37 of the Revised Statutes of 1954, as amended, the Commissioner of the Department of Inland Fisheries and Game may, after due notice, close areas to beaver trapping. You inquire if he may rescind such action and at a later date open that area which had been closed in accordance with the provisions of Section 119.

It is our opinion that the Commissioner may open an area which he has closed.

The same procedure should be followed in opening an area as should have been used in closing it.

JAMES GLYNN FROST
Deputy Attorney General

January 16, 1956

Adam P. Leighton, M. D., Secretary, Board of Registration of Medicine

Re: Requirement of Internship

This is in reply to your letter stating that you have an application from a Chinese physician to take the examination to practice medicine, but that he cannot show compliance with the latest amendments to your law, in that he has had no internship in an approved hospital in the United States. You ask if you can accept extensive post-graduate work in lieu of internship.

It is our opinion that Chapter 66, Sections 3 and 4 of the Revised Statutes of 1954, as amended, require as a condition precedent of the taking of the examination that the applicant shall have interned for twelve months in a hospital approved by the American Hospital Association and the American Medical Association, and that such condition cannot be dispensed with.

JAMES GLYNN FROST
Deputy Attorney General

January 27, 1956

To Kermit Nickerson, Deputy Commissioner of Education

Re: Salary Increases

We are returning herewith the letter written to you by Earle M. Spear, in which he asks the following question:

“Section 237 of Chapter 41 states in part—‘Notwithstanding the provisions of this paragraph no town shall be required to increase the salary of any teacher more than \$300 in any 1 school year.’ Does the above limitation on the amount of increase that a town shall be required to give a teacher in any one school year apply to teachers who may become eligible for a higher salary by securing a degree, if the degree is secured since the law became effective?”

We are of the opinion that the limitation on the amount of increase that the town shall be required to give a teacher in any one school year *does* apply to teachers who may become eligible for higher salaries by securing degrees.

JAMES GLYNN FROST
Deputy Attorney General

February 9, 1956

To Donald K. Maxim, Chairman, Harness Racing Commission

Re: Race Meeting Dates

We have your memo of February 2nd in which you ask two questions.

Question 1. “Section 8 of Chapter 86, R. S. 1954, states that no race meeting shall be allowed for more than 6 days in any 28-day period except night harness racing etc. This now applies only before June 15th and after October 15th of each year.”

“Can any one track be permitted to hold a two week race meeting, one week before June 15th and one week after that date? For instance, the first week might be June 11 to 16 and the second week might be June 18th to 23rd, one week under the 6 day clause and the other week under the night harness racing section. We have had such an application.”

Answer. Yes.

Question 2. “The last paragraph of Section 11 of Chapter 86, R. S. 1954, states that the commission shall issue a license, where pari-mutuel betting is permitted to Gorham Raceways to hold day or night harness races or meets in Gorham each year for a period of 4 weeks, and no more, beginning in June on the Monday of the last full week therein which has 7 calendar days; etc.”

“Can Gorham Raceways be granted a license by the Commission to hold a race meeting the week before the 4 week period begins? We have had such an application.”

Answer. No.

An examination of the growth of Sections 9 and 12 is necessary to see the legislative intent clearly, in relation to the permissible racing dates to which a track might be eligible.

As seen in the 1944 Revised Statutes, racing periods were comparatively simple to determine. Section 9 of Chapter 77 provided that there should be no race or meet on Sunday; that no meeting shall be allowed for more than 6 days in any 30-day period, except that between the 1st day of July and the 1st Monday of August a meeting may be allowed for not exceeding 18 days on mile tracks. In the latter event (an 18-day meeting) no further meetings where pari mutuel betting is permitted shall be allowed during the same calendar year.