

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

February 29, 1956

To Roland H. Cobb, Commissioner of Inland Fisheries and Game

Re: Breeding and Sale of Pheasants

Reference is made to your memo of February 16, 1956, in which you draw our attention to two sections under Chapter 37 which appear to be in conflict.

Section 15 provides that the Commissioner may issue permits to any person, firm or corporation to engage in the business of propagating game birds. It is further provided that such licensed breeders may at any time sell, transport, or kill and sell game birds.

Section 85 of Chapter 37 provides that no person shall at any time buy or sell any partridge, grouse or pheasant. The same section also regulates migratory game birds.

Section 88 defines game birds and migratory game birds. Game birds are defined as being partridge, grouse and pheasant. We will not cite all the birds contained within the definition of migratory game birds, but such birds do not include those in the game bird category.

In interpreting statutes, and to subserve the general intent, it is assumed that the legislature has a consistent design and policy. To that end, all words are considered operative whenever possible and all statutes relating to a particular subject matter are read as a whole for the purpose of harmonious construction.

Reading Sections 15, 85 and 88 together, in so far as they relate to the problem concerned, we are of the opinion that the permit provided for in Section 15, which authorizes the Commissioner to issue permits to persons to propagate game birds and to sell or transport such birds, is a clear and deliberate exception to the provision in Section 85, which prohibits the selling of such birds.

Thus, in answer to your question, "Can this man raise pheasant under the game breeder's license and sell them to restaurants?" we are of the opinion that he may do so.

JAMES GLYNN FROST
Deputy Attorney General

March 8, 1956

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

Reference is made to your inquiry in regard to the taking of an examination by a man who has served a six months' internship but must serve two or three years' internship at the Massachusetts Eye and Ear Infirmary before he can start his practice. Under these conditions you ask if he can now take the State Board exams in Maine.

We must answer your question in the negative. Reference is made to an opinion furnished you by Mr. Frost on January 16, 1956, where a similar problem was posed.

In our opinion, Chapter 169 of the Public Laws of 1955, which amended Sections 3 and 4 of Chapter 66 of the Revised Statutes of 1954, requires as an absolute condition the service of internship for a minimum of twelve months in