

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1955 - 1956

This endorsement prevented the Secretary of State from revoking the license then; respondent had the benefit of his license during that period, after which his revocation would go into effect. See *State v. DeBery*, 150 Me. 28, for discussion of revocation and suspension.

Respondent cannot be heard to say that "appeal from the judgment and sentence" gives authority to the trial Judge to permit retention of license pending appeal, thereby preventing revocation, and then, after appeal, that the same clause now means that revocation should have been from date of initial conviction. One cannot take the benefits of a statute and at the same time deny the liabilities of the same statute.

We would also point out that in the next to the last paragraph in Section 150 as amended, revocation is for a period of two years after the conviction of a person violating the provisions of this section. We cannot see how you, administratively, can make a revocation effective for a period of less than two years, except as authorized by statute, or over a period which by judicial action the court has prevented an earlier revocation.

Inasmuch as counsel for respondent has indicated an intention to file a petition for declaratory judgment *re* the matter, in the event of a ruling from this office adverse to respondent's interest, we would add that under the decision of *Steves et al. v. Robie*, 139 Me. 361, such a petition might be improper.

JAMES GLYNN FROST
Deputy Attorney General

August 7, 1956

To George W. Bucknam, Deputy Commissioner, Inland Fisheries and Game
Re: Baxter State Park

. . . You state that a Resolve to simplify the open-water fishing laws by counties was enacted by the 97th Legislature and that under Piscataquis County you have:

"Baxter State Park. Daily limit 5 fish from any of the waters."

You ask whether that means 5 fish in the aggregate from any or all of the waters, or only that it is unlawful to take more than 5 fish from any one of the waters.

It is our opinion that this law means that only 5 fish in the aggregate may be taken from any or all of the waters.

JAMES GLYNN FROST
Deputy Attorney General

August 7, 1956

To Paul A. MacDonald, Deputy Secretary of State
Re: Expenses of Party Headquarters

This is in response to your memo of July 11, 1956, to which you attached a letter from Donald Nicoll, executive secretary of the Maine Democratic Party.