

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

February 5, 1957

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

Re: Roads in Areas of Active Lumbering Operations

You state that officers of the Eastern Pulpwood Company and Eastern Corporation have inquired if there is some way that their roads could be marked, where they had active lumbering operations, which would request the public to stay out, and if our wardens could give assistance in keeping the active area closed.

At the same time they would publicize the fact that thousands of acres with no active lumbering operations were being kept open for the benefit of hunters.

You state that the point that bothers you is, "Do we have authority under the present law for Game Wardens to enforce what seems to me the duty of Deputy Sheriffs in civil cases, rather than Fish and Game cases?"

Without inquiring into the legal principles of your problem, we wonder if the situation is not such that we might be able to cooperate with the officers of the above mentioned corporations. It may be that wardens, in their normal duties, could advise the corporations of trespasses and otherwise be helpful to the extent that the corporations reciprocate and keep the inactive portions of their land open for hunting.

JAMES GLYNN FROST

Deputy Attorney General

February 5, 1957

To Kermit S. Nickerson, Deputy Commissioner of Education

Re: Children of Military Personnel

We have your recent memo in which you state that a question has been raised as to whether the State laws would permit sending the children of military personnel, living on Federal property in one town, to schools in another town.

You state that the Federal Government will pay the cost under Public Law 874, but that Federal officials will approve the expense only if State laws permit sending the children to school in another town.

We would direct your attention to Section 163 of Chapter 41, R. S., which reads as follows:

"Special arrangements may be made to provide elementary school privileges in cooperation with the United States Government for a child or children residing with a parent or legal guardian at any light station, fog warning station, lifesaving station or other place within a United States government reservation under such rules and regulations as may be made by the commissioner and approved by the governor and council."

In view of the above quoted section of law, it is our opinion that there is ample authority to send the children of military personnel living on Federal property to elementary schools when so approved by the Commissioner and the Governor and Council, in conformity with the provisions of Section 163.