

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

January 6, 1958

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

Re: Swan Island

This is in response to your memo of December 20, 1957, in which you ask for a ruling as to whether the Governor and Council have authority to dispose of Swan Island to the Federal Government.

We herewith quote Section 8 of Chapter 37, R. S. 1954:

"The Governor and Council on recommendation of the Commissioner may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under this chapter and deemed no longer necessary for the purposes hereof."

Under the above quoted Section 8 it would appear that upon your recommendation the Governor and Council can sell any property taken or acquired by purchase under the provisions of Chapter 37 of the Revised Statutes when such property is no longer necessary for the purposes of the department.

If Swan Island is within the above statute, then it would be our opinion that the Governor and Council could properly sell the property.

In perusing the material which you sent to this office attached to your memo, we find that the Federal Government expects the property to be transferred without consideration. It is our opinion that the words, "sell and convey," indicate an intent that the property shall be transferred for a valuable or cash consideration and that it would be improper to give Swan Island away.

JAMES GLYNN FROST

Deputy Attorney General

January 16, 1958

To Donald F. Ellis, O. D., Secretary, Board of Registration in Optometry

Re: Reinstatement

This is in response to your recent request for an opinion as to the eligibility for reinstatement of registration of an optometrist whose registration was revoked in Maine in 1952 for non-payment of annual renewal license fee.

A board or officer has no power to reinstate a license where the statute merely confers the power to suspend or revoke and the action has been to revoke.

It is our further opinion that such license can be reinstated only where the person involved proceeds by way of application and examination as is set out in the statutes with respect to those originally applying for a license.

JAMES GLYNN FROST

Deputy Attorney General