

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

It is our understanding that such proceedings have been followed in the past and that therefore the procedure is a familiar one. However, if this information is wrong and you desire help in the preparation of the proper form of petition, please advise.

JAMES GLYNN FROST  
Deputy Attorney General

January 21, 1958

To A. D. Nutting, Forest Commissioner

Re: Removal of Logs from Great Ponds

It is our opinion that authorization from the legislature would be necessary for a person to enter the business of removing logs from great ponds.

It would perhaps be wise for a person desirous of removing such logs to have an authorization from the legislature to the effect that such interest as the State may have in the logs on the bottom of great ponds be conveyed to the person removing such logs.

While this would protect the worker from any claim by the State of Maine for such logs, it should be clearly understood that if such logs did not belong to the State of Maine, such authorization would not protect the taker from action by the owner.

JAMES GLYNN FROST  
Deputy Attorney General

January 27, 1958

To Michael A. Napolitano, State Auditor

Re: Qualified Public Accountants

Your memo of January 8, 1958, reads as follows:

"Section 26 of Chapter 90-A, Public Laws of 1957 provides that 'Each municipality and quasi-municipal corporation shall have an annual postaudit made of its accounts covering the last complete fiscal year by the State Department of Audit or by a qualified public accountant elected by ballot or, if not so elected, engaged by its officers. The postaudit shall be conducted on the basis of auditing standards and procedures prescribed by the State Auditor.'

"Will you kindly render your opinion as to the definition of a qualified public accountant within the meaning and intent of this chapter?"

"What recourse would the department have in the event that the municipal officials hired a person to conduct an audit who was not qualified?"

We would expect a qualified public accountant to be a person of sound mind and of such capabilities and competence as would cause the town to place trust and confidence in that accountant.

We should not expect that your department would have any recourse if municipal officers hired a person to conduct an audit who was not qualified.

Subsection 1 of Section 26 would seem to be a remedy, in the event the voters of a municipality were dissatisfied with a postaudit made by a public

accountant. Said section provides that in such event, upon a proper petition, then the State Auditor shall order a new postaudit to be made by the department.

JAMES GLYNN FROST  
Deputy Attorney General

February 5, 1958

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

Re: Access Areas

In response to your letter of January 27, 1958, supplementing our opinion of January 6, 1958 with respect to the purchase of access areas to land not governed by game management laws, we would advise that it is not proper either for your department to purchase such access areas or for your department with the approval of the Governor and Council to purchase such access areas.

We would expect that with respect to land which you desire to purchase for the purposes of game management you would continue to follow the law as you have in the past.

JAMES GLYNN FROST  
Deputy Attorney General

February 5, 1958

To E. L. Newdick, Commissioner of Agriculture

Re: "Meat, Fish and Poultry," Chapter 32A, Section 32, R. S. 1954

We have your memo of January 30, 1958, which reads as follows:

"Sec. 22, Chapter 32A, R. S. 1954 as amended reads as follows:

"*Meat, Fish and Poultry.*—Except for immediate consumption on the premises where sold, or as one of several elements comprising a meal sold, as a unit, for consumption elsewhere than on the premises where sold, all meat, meat products, fish and poultry, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight."

"Since the effective date of this legislation, August 28, 1957, this Department has enforced the provisions of the above section on the assumption that the key words 'meat, meat products, fish and poultry' were used in the law as general terms embracing all types of edible flesh from creatures of the land and sea.

"It is our understanding that this legislation was passed with the specific purpose of protecting the public from trade practices which result in unfair or unequal prices for these foods when they are sold by the unit without weighing.

"The question, then, is this: Are we correct in assuming that the intent of the law is that 'meat, meat products, and poultry' include the carcass or portion thereof from any warm blooded animal or bird used for food purposes; and further, that 'fish' as used in this section includes any cold blooded animal of the sea such as fish, lobster, crab, clam, oyster or mussel used as food for human consumption?"