

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

Such lobster meat would be passing through the State under the authority of laws of the United States and would not be subject to those provisions of Section 116 which precede that portion of the section containing the following exception:

“The foregoing provisions of this section . . . shall not apply to lobster meat passing through the State under authority of laws of the United States . . .”

The foregoing provisions referred to provide generally that lobster meat in the State of Maine shall have been removed from the shell under permit and shall be of certain sizes and that it is to be used for certain purposes, none of which are pertinent because of the referred-to exception.

JAMES GLYNN FROST
Deputy Attorney General

June 3, 1958

To Elmer H. Ingraham, Chief Warden, Inland Fish & Game

Re: Beaver Dam

I have your request for an opinion concerning whether or not your wardens have authority to dynamite beaver dams on private property against the property owner's wishes.

As you have pointed out, sec. 119 of Chapter 37, Revised Statutes of 1954, provides that your department may take nuisance beaver at any time without the consent of the landowner.

It is my opinion that your wardens do not have any authority to dynamite a beaver dam on private property against the landowner's consent. You may take these beavers, and the town will then be left to deal with the landowner regarding the dam which is allegedly causing flooded roads.

GEORGE A. WATHEN
Assistant Attorney General

June 4, 1958

To Vaughan M. Daggett, Chief Engineer, State Highway Commission

Re: Use of Highway Funds for Archeological and Paleontological Salvage

You have requested my opinion as to the authority of the Commission to employ an archeologist on a part-time basis for the purpose of ascertaining the existence of Indian graveyards on proposed new highways in cooperation with the provisions of Section 120 of Title I of the Federal Highway Revenue Act of 1956.

It is obvious that the State of Maine has an interest in the preservation of Indian relics. It follows that these relics are of monetary value as well as of historical and scientific value. It is certain that if the State destroyed any of these relics intentionally, it would be severely condemned, with justification; the act would be wanton.