

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

August 26, 1958

To Gray H. Curtis, Executive Director, Vocational Rehabilitation

Re: Funds

We have your letter of August 25, 1958, in which you ask for an opinion on our laws relating to Vocational Rehabilitation, Chapter 465, Section 199, Public Laws of 1955.

You state that you are advised that the said act was an enabling act, and if for any reason Federal funds were withheld, or not available, your program would be inoperative, even though State funds were available. You ask if we feel that this is the case.

It is our opinion that the withholding of Federal funds would not make inoperative the laws generally relating to Vocational Rehabilitation. While, no doubt, a great part of the program was founded on Federal funds, withholding of which would seriously handicap activities in this field, we do not believe that such withholding of funds would vitiate the program. Section 200 of Chapter 41, R. S., contemplates legislative appropriation for vocational rehabilitation services and such sums would be available for the purpose stated, even though Federal funds were not available.

It is not stated in your letter which specific provision gave rise to the thought that the program would be inoperative upon the withholding of Federal funds. It may be that Section 202-C would mislead some one into such a belief. However, we would point out that the cost of administering the act in said section refers to 202-A and that fund alone.

JAMES GLYNN FROST  
Deputy Attorney General

September 16, 1958

To W. H. Bradford, Right of Way Engineer, Highway Department

Re: "Floating Billboards" off the Shore

I have been requested to give my opinion as to the authority of the Commission to regulate billboards that are attached to floats and anchored off-shore on the coast. It is necessary first to examine the law relating to the Colonial Ordinance of 1641-7, which was the original law affecting off-shore rights.

Whittlesey in his treatise, "Laws of the Seashore, Tidewaters and Great Ponds", says—"As far as tidal bays, coves, rivers and shore waters are concerned, the public rights of navigation, passing and repassing on foot, fishing and fowling, confirmed by the Ordinance, have not been extended by custom, usage or judicial sanction in this commonwealth to include other privileges." (108 Mass. 436; 195 Mass. 79; 202 Mass. 422 and 207 Mass. 174).

In Maine, however, the courts have extended the public privileges on flats and navigable rivers to include (subject to the paramount right of navigation) cutting and removing ice, riding, skating and travelling thereon, walking upon the flats and resting vessels, discharging ferry passengers and unloading cargo thereon. (124 Me. 361; 93 Me. 532; 86 Me. 319; 79 Me. 456; 25 Me. 51, and 18 Me. 433).