

# 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**

**1959 - 1960**

MAINE STATE  
LIBRARY

“If following the construction of said Ferry Terminal, Maine Port Authority, or such other body as may be delegated by the Maine Legislature to run a regular ferry service to said Town of North Haven, should for any reason terminate regular ferry service to said Town of North Haven, this lease shall terminate and the ferry terminal shall revert to the Town of North Haven free of any costs or charges.”

We understand that there is nothing unusual, when one leases property upon which structures are placed, that at the termination of the lease such constructed property may belong to the lessor. We are also familiar with the fact that leases may provide for the removal of such structures by the lessee.

This office has no objection to the intent of the questioned paragraph; however, in so far as the lease will be executed on behalf of the State, we offer the following amendment (underlined) to the paragraph in order to safeguard State interests:

If following the construction of said Ferry Terminal, Maine Port Authority, or such other body as may be delegated by the Maine Legislature to run a regular ferry service to said Town of North Haven, should for any reason terminate regular ferry service to said Town of North Haven, *for a period longer than two years*, this lease shall terminate and *title* to the ferry terminal shall *vest in* the Town of North Haven free of any costs or charges.

There is the possibility that at some time, even in the infancy of the operation, that some presently unpredictable factor will cause an interruption in service between sessions of the Legislature, — perhaps a lack of funds. The Legislature, however, could well desire to continue the service, and it should have the opportunity to so decide before the facility were to vest in the town. We, therefore, suggest the proposed amendment.

Very truly yours,

JAMES GLYNN FROST  
Deputy Attorney General

May 27, 1959

To: David J. Kennedy, Secretary  
Commission of Pharmacy  
Milbridge, Maine

Dear Mr. Kennedy:

We have your letter of May 18, 1959, in which you ask two questions concerning applicants desiring to take examinations under the provisions of Chapter 68, Revised Statutes of 1954, as amended.

The first question relates to examination for qualified assistants under the provision of Section 7 of Chapter 68.

Question No. 1:

“May members of the Armed Services take the examination for qualified assistant when their experience in the field of pharmacy has been in the armed forces?”

Answer: No.

Section 7 of Chapter 68 is that section setting forth the qualifications of an assistant.

1. He must be not less than 21 years of age.
2. He shall have served 3 full years “in an apothecary store where physicians’ prescriptions are compounded”.

Section 33 of Chapter 68 defines, for the purposes of this chapter, the term “Apothecary Store” as meaning:

“A place registered by the board where drugs, chemicals, medicines, prescriptions or poisons are compounded, dispensed or sold.”

The qualification that to be eligible to take the examination for a qualified assistant one must have worked for three years in an apothecary store, means, according to Section 33, work in an apothecary store registered by the Maine Board of Commissioners of Pharmacy. One who has not worked in such a store, but rather in a pharmacy in the armed services, does not comply with the statutory qualification.

Question No. 2:

“We have applications under the terms of this act from non residents of Maine. Sec. 6 requires only U. S. citizenship. Please clarify for us that we may be consistent with the intent of the law.”

Answer:

We assume, by your reference to Section 6, that you are referring to non-residents who desire to take the examination for a regular pharmacist.

There does not appear to be any requirement that one must be a resident of Maine in order to take such examination and be licensed if he is successful.

There is a larger requirement that he must be a citizen of the United States.

If a person is a resident of the United States and otherwise qualified under the provisions of Chapter 68 with respect to age, moral character, education, etc., then we are of the opinion that he need not be a resident of the State of Maine in order to take the examination and be licensed.

Very truly yours,

JAMES GLYNN FROST  
Deputy Attorney General