

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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May I point out that the reason for requiring rental insurance was based on the following:

§ 10, Ch. 122, Revised Statutes of 1954, provides in part:

“. . . No agreement contained in a lease of any building, buildings or part of a building or in any written instrument shall be valid and binding upon the lessee, his legal representatives or assigns to pay the rental stipulated in said lease or agreement during a period when the building, buildings or part of a building described therein shall have been destroyed or damaged by fire or other unavoidable casualty so that the same shall be rendered unfit for use and habitation.”

The local development corporation must pay the lender on the mortgage whether the building is fit for occupancy or not. Since the local development corporation presumably has no funds except those received from the lease rental payments on the project, the provision for lease rental insurance was to protect them and prevent a default. It was felt at the time that use and occupancy insurance would inure to the benefit of the tenant and not to the local development corporation. It would be well to check the policy to determine if adequate protection is provided.

GEORGE A. WATHEN
Assistant Attorney General

February 23, 1960

To: Roland H. Cobb, Commissioner of Inland Fisheries & Game

Re: Shooting Muskrats at Brownfield Game Management Area

I have your request for an opinion regarding the trapping and shooting of muskrats in the Brownfield Game Management area.

Section 17, Chapter 37, provides that the Commissioner is authorized to regulate hunting, fishing, and trapping on game management areas. The second paragraph provides that the authority given to the Commissioner in the first paragraph of Section 17 “shall also apply to lakes, ponds, marshes and sections of streams lying within the boundaries of any such game management area.”

Your memo states that all game management areas are open to hunting subject to applicable state and federal laws. Therefore, subject to said laws, hunting of muskrats is proper in this area. A regulation issued pursuant to the authority granted in the first paragraph of Section 37 would be proper in such an area. I believe that the Saco River is a “stream” within the meaning of the statute, since the word stream is the general name of any flowing body of water and includes rivers and brooks.

GEORGE A. WATHEN
Assistant Attorney General