STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

processing plant qualifies as an industrial project within the meaning of Revised Statutes of 1954, Chapter 38-B, Section 5, paragraph III.

In a recent case, *C. M. T. Co., Inc. v. Me. Emp. Sec. Comm.*, 156 Me. 218, in discussing the nature of a "hatchery" the court stated:

> "It would be difficult to define with precision what constitutes a 'farm' in this day of mechanized agriculture. In the instant case, however, our task is made somewhat easier by the fact that the 'hatchery' alone has attributes which give it a commercial and industrial aspect rather than an agricultural one. Aside from the artificially induced hatching of eggs and the care and feeding of newly born chicks for a very brief period, not one of the operations usually associated with a 'farm' is conducted there. . ."

It is my opinion that the Industrial Building Authority is justified in making a finding of fact under Section 9-A of the law that a hatchery which is an integral part of a poultry processing plant is eligible for mortgage insurance as an industrial project.

RICHARD A. FOLEY

Assistant Attorney General

April 27, 1961

To: Roderic O'Connor, Manager of Maine Industrial Building Authority

Re: Eligibility of Hatchery Plant

This is in answer to your request for an opinion dated April 26, 1961, in clarification of the opinion of this office dated April 20, 1961.

I am of the opinion that a new hatchery plant of itself would qualify for mortgage insurance under the Industrial Building Authority Act in the event that the Industrial Building Authority make a finding of fact that the hatchery plant is an industrial project within the meaning of the act.

RICHARD A. FOLEY

Assistant Attorney General

May 1, 1961

To: E. W. Heywood, Major General, The Adjutant General

Re: Organization — Maine State Guard

We have your letter of 4 April 1961 which reads as follows:

"1. I wish to make reference to:

a. Sections 89-100, R. S. Maine 1954 (Maine State Guard).

b. Section 109, Chapter 1, Title 32, US Code Annotated (Maintenance of Other Troops).

"2. The Department of the Adjutant General is currently reviewing situations which might require the organization of a Maine State Guard as referred to in reference 'a', above. Our opinion would indicate that under this reference