

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 calender years

1961 - 1962

This question is very broad. It is not possible to give a "yes" answer without some specific directions. Although we do not like to do more than answer a question, we feel in this instance, because of the nature of the question, that we must mention certain specific things the Commission must do under the amendment.

First: the Commission must determine the total amount of the tax on all pari mutuel pools.

Second: the Commission must make a proper division of 1/6 of that total among the licensees, as stated in the amendment.

Third: the Commission must determine that each licensee use the money so returned to it "for the purpose of supplementing purse money."

"2. Do the licensees have to wait until the full racing schedule is completed before receiving their proportionate part of the money or can they receive the money at the close of their race meet?"

The licensees must wait until the full racing schedule is completed. It is not possible to determine the amount each licensee is to receive until the racing schedule is completed. Consequently, a licensee cannot receive its money at the completion of its racing meet.

GEORGE C. WEST

Deputy Attorney General

June 28, 1961

To: Maynard F. Marsh, Ass't. Chief Warden of Inland Fisheries & Game

Re: Use of Artificial Light to Illuminate Wild Birds and Animals

By your memorandum of June 21, 1961, you have asked if the provisions of Chapter 194 of the Public Laws of 1961 apply during the special bow and arrow season on deer.

Chapter 194, Public Laws of 1961 reads as follows:

"Sec. 97-A. Use of artificial lights for lighting game. The use of artificial lights between 1/2 hour after sunset and 1/2 hour before sunrise to illuminate, jack, locate, attempt to locate or show up wild birds or animals shall be unlawful *during open season on deer*, except as provided in section 94, and section 113, subsection IV." (Emphasis ours.)

Section 38, Chapter 37, R. S. 1954, provides:

"The words 'open season' mean *the time* during which it shall be lawful to take animals, birds and fish as specified and limited by law." (Emphasis ours.)

This definition of "open season" indicates that the term applies to a *time* when deer may be legally killed. It does not refer to the *method* of killing deer.

Therefore, the conclusion is reached that Chapter 194, Public Laws of 1961, does apply during the special bow and arrow season.

GEORGE C. WEST

Deputy Attorney General