

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

change the application of these decisions, . . . they would have done so by the use of some apt language rather than to have left their intention to the uncertainty of implication." *Webber v. Granville Chase Co.*, 117 Me. 150 at 152.

It must, therefore, be concluded that recipients of public assistance who receive supplemental supplies or support from municipalities are not paupers within the meaning of Article II of the Constitution, or the definition in section 1 of the election laws.

The definition of paupers in section 1 of the election laws applies only to those persons who have been directly or indirectly furnished supplies by a municipality within three months of any election as their sole means of existence (other than their own work, occasional though it may be).

GEORGE C. WEST

Deputy Attorney General

April 5, 1962

To: Maynard F. Marsh, Chief Warden, Inland Fisheries & Game

Re: Sale of Smelts

You have asked if it is legal to sell and serve fried fresh water smelts at a road-side stand.

Answer: Yes.

The only provision in Chapter 37 relative to the sale of fresh water fish is in section 49. This section provides in part:

"It shall be unlawful for any person to sell or buy, directly or indirectly, any landlocked salmon, trout, togue, black bass, white perch or pickerel, except that pickerel may be sold in Washington County."

There is no other prohibition against the sale of fresh water fish in our fish and game laws. Therefore, it must follow that the sale of fried fresh water smelts is legal whether at a road-side stand or any other place.

GEORGE C. WEST

Deputy Attorney General

April 9, 1962

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: Subsidy for Superintendence

This is in answer to your request for an opinion interpreting Revised Statutes of 1954, Chapter 41, section 81, which reads in part as follows:

". . . Upon the approval of said certificate by the Commissioner, the superintendent so employed shall, on presentation of proper vouchers, receive monthly out of the sum appropriated for superintendence of towns comprising school unions *a sum equal to the amount paid by the town*, provided the amount so paid shall not exceed \$1,350 for one year for the superintendent of any one town. . . ." (Emphasis supplied)