

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

Because of the death of a superintendent, the question has arisen whether or not the monthly amount paid the superintendent should be for that part of the month which the superintendent performed his duties or for the entire month.

It is our opinion that the estate of the superintendent has a valid claim for the entire \$112.50 monthly payment and not a prorated amount of that monthly payment.

In passing, I would note that I find no authority for prorating \$1,350.00 maximum state payment over a period of twelve months. The law provides for a sum equal to the amount paid by the town. If the town makes monthly payments to the superintendent, the state would match each monthly payment up to the amount of \$1,350.00. It may, therefore, only take 2 or 3 monthly payments by the state to reach the maximum amount allowed by the statute.

It appears that prorating over the period of twelve months would be a more reasonable approach to the payment of the \$1,350.00 maximum salary, and perhaps your department may want to recommend an amendment of the statute to provide for such proration over the period of twelve months.

RICHARD A. FOLEY

Assistant Attorney General

April 9, 1962

To: Austin Wilkins, Commissioner of Forestry

Re: Kindling Out-of-Door Fires

We have your request of April 5th with regard to our interpretation of Revised Statutes, Chapter 36, section 94-A. We understand that you are asking whether or not a person with a camping trailer or pickup truck can light a camp fire on the land of another without permission of the land owner.

The provisions of section 94-A provide that—"No person shall kindle or use fires on land of another without permission of the owner . . ." This section goes on to include as out-of-door fires, sterno fires in or out of tents and collapsible shelters. This paragraph limits the prohibition of lighting fires while on the land of another to fires which are on the ground or in or out of tents and collapsible shelters. For this reason, any person who kindles a fire while on the land of another is in violation of this section even though that fire be in a camping trailer or pickup truck, so long as that camping trailer or pickup truck is not permanently enclosed but is covered by a tent or collapsible shelter.

This opinion should in no way be construed to prohibit the lighting of such a fire in an enclosed permanent trailer even though that trailer may be situated on the land of another.

THOMAS W. TAVENNER

Assistant Attorney General