

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

to notify Universal Listing as soon as the seller gives an "exclusive" listing to any other broker. It would appear that Universal Listing, Inc. is acting as more than a mere printing house. It is, in effect, the link between the seller and the broker. As such, this corporation is engaged in a business which by definition constitutes the work of a real estate broker. This corporation should, therefore, be licensed and if such license is not procured, will be subject to the penalties provided for in section 12, chapter 84.

THOMAS W. TAVENNER

Assistant Attorney General

August 28, 1962

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

Re: Wild Turkeys

In your memo of August 23, 1962 you ask if wild turkeys are protected by the present Fish and Game laws.

The answer is Yes.

In 1955 the legislature passed section 85-A of chapter 37 which would have provided a 15-day open season on wild turkeys beginning on October 13, 1960. Then in 1959 the legislature repealed this law. At the same time section 88 of chapter 37 was amended by adding the words "hunt, kill or" in the first sentence. This section reads in part:

"No person shall hunt, kill or have in his possession, living or dead, any wild bird other than a game bird or a migratory game bird. . . . and for the purpose of this chapter the partridge, grouse and pheasant, only, shall be considered game birds, and the following, only, shall be considered migratory game birds:" (There follows a long list which does not include wild turkeys.)

It is evident that a person may only hunt, kill or have in his possession game birds or migratory game birds, under certain conditions stated in this or other sections.

The prohibition against hunting, killing or having in possession "wild birds" applies to wild turkeys.

GEORGE C. WEST

Deputy Attorney General

August 30, 1962

To: R. W. Macdonald, Chief Engineer, Water Improvement Commission

Re: Waste Discharge to Kennebunk River at Kennebunkport

We have your request of August 16th for an opinion with regard to the discharge of sanitary sewage from a motel of 20 units into the tidal estuary of the Kennebunk River at Kennebunkport.

We understand your question to be whether or not this motel can utilize the existing and grandfathered discharge line from a nearby building to gain entrance