

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

“There shall be a continual closed season on deer on the Island of Mount Desert. . . ”

A reading of the whole section reveals that the “open season on deer” is a staggered time, according to certain zones or areas in the States.

Section 97-A only applies “during open season on deer” so it cannot apply to times and areas when or where it is not “open season on deer.”

GEORGE C. WEST

Deputy Attorney General

November 8, 1962

To: Maine Sardine Council

Re: Purchase of Maine Sardines by Council for Sale in Foreign Market

You made an oral request for an opinion as to whether or not it is legal for the Maine Sardine Council to use its funds to buy sardines from packers in Maine to sell at a loss in foreign markets to promote Maine sardines in such markets.

After a careful study of the law this office is of the opinion that such a plan is not legal under the present law. Such action would not be “merchandising and advertising” Maine sardines, being a purpose for which the sardine tax money may be used.

It will be necessary to amend chapter 16, section 267, in order to do what you have suggested.

GEORGE C. WEST

Deputy Attorney General

November 8, 1962

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

Re: License to Discharge Sewage into or near Sebago Lake

You have asked two questions regarding the licensing of sewage discharge into or in the vicinity of a body of water of an “A” classification.

Question 1. May the Water Improvement Commission lawfully license the discharge of fully treated sewage directly into Sebago Lake? This lake, the water supply of the city of Portland, has an “A” classification.

Answer: The law is that “there shall be no discharge of sewage or other wastes into water of this (‘A’) classification.” R. S., chapter 79, section 2. There is a great possibility of harm to those who depend upon waters of the “A” classification for their drinking supply in the event of failure (accidental or otherwise) to adequately treat the sewage. There is no differentiation in the law between treated and untreated sewage. Therefore, you may not license the discharge of sewage directly into Sebago Lake.

Question 2. May the Water Improvement Commission lawfully license the discharge of fully treated sewage into a wet weather water course having a “B-2”