

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

classification at a point some 2000 feet above the juncture of the water course and Sebago Lake?

Answer: R. S., chapter 79, section 2, does not distinguish between direct and indirect discharge of sewage into a body of water holding an "A" classification. The discharge of sewage is prohibited whether it flows directly or indirectly into Sebago Lake. The question which you must determine is whether or not the point of discharge is sufficiently removed from the juncture of the water course and Sebago Lake so that as a matter of fact the sewage will not flow into the lake. If the point of discharge and the juncture of the two bodies of water are so close that sewage (whether treated or not) flows into Sebago Lake, you may not, as a matter of law, license the discharge.

Furthermore, in order to grant a license the commission must find that the "discharge will not increase the pollution of *any* stream, river, pond, lake or other body of water . . . so as to violate the prohibition of section 4 . . ." R. S., chapter 79, section 9, I. (Emphasis supplied). Treated sewage would not lower the classification of the water course below its "B-2" classification. With the water course flowing into a body of water holding an "A" classification, the Commission must further find that the discharge would not increase the pollution of Sebago Lake. If the Commission finds, as a fact, that the discharge would increase the pollution of the lake, then the application for license must be rejected.

PETER G. RICH  
Assistant Attorney General

November 14, 1962

Honorable Clyde A. Hichborn  
La Grange  
Maine (RFD to Medford)

Dear Mr. Hichborn:

You have asked the question, "Is a school superintendent of a school union considered a State employee and, therefore, ineligible to hold a seat in the Maine Senate?"

Our answer is "No."

The authority for the election and discharge of school union superintendents by the joint committee of the towns comprising the union is clearly set forth in Revised Statutes, Chapter 41, Section 79. The contract is between the joint committee and the superintendent. A superintendent is considered an "employee" under the Maine State Retirement System Law only for the purposes of that act.

Very truly yours,  
FRANK E. HANCOCK  
Attorney General

November 15, 1962

To: Robert Doyle, State Geologist, Maine Mining Bureau  
Re: Renewal of Claims

You have asked the question of whether the Mining Bureau may refuse to accept the renewal of a claim if the claim is not being worked in such a manner as will reveal the geological characteristics of the land claimed.

Revised Statutes, chapter 39-B, Section 4, VII, governs the renewal of claims. The application for renewal must be accompanied by an affidavit that during the period about to expire investigatory work has been performed on the claim to the extent of not less than 200 manhours or \$500 worth of work. Section 4, VII, then states that:

"The work done shall be described in the affidavit and shall include any work which tends to reveal such characteristics of the material sought as length, width, depth, thickness, tonnage, and mineral or metal content."

The affidavit must contain this information in order for the Mining Bureau to lawfully grant renewal of the claim. In those cases where it is not clear whether the work tends to reveal the required information about the land claimed, the Mining Bureau must exercise its judgment as to whether there is substantial compliance with the statutory requirement. Should the Bureau determine that the work described in the affidavit does not meet the requirements set forth in section 4, VII, the Bureau may not lawfully grant a renewal of the claim.

PETER G. RICH

Assistant Attorney General

November 15, 1962

Edward L. Allen, Ph. G.  
Secretary  
Commission of Pharmacy  
8 Harlow Street  
Bangor, Maine

Dear Mr. Allen:

In your letter of November 8, 1962, you have asked whether the Board of Commissioners of Pharmacy may lawfully license as a pharmacist an individual who does not have a college degree but who has been registered in New Hampshire since 1940. In answering your question it is assumed that the man in question was not registered at an earlier date in any other state.

The pertinent statutory provisions are found in Revised Statutes, chapter 681, section 6, which reads in part:

"The board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered in some other state, provided that such other state shall require a degree of competency equal to that required of applicants of this state."

New Hampshire now requires that a pharmacist have a degree from a college of pharmacy in order to be registered in that state. New Hampshire Revised Statutes, chapter 318, section 18. That which is critical is not what New Hampshire now requires of its applicants, but rather that the applicant meet the standards of Maine at the time he is seeking reciprocity. If this were not the case,