

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

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,

then your board would be allowed to admit those who could not meet the qualifications set for original applicants today merely because the foreign state had recently passed requirements equal to this state.

Section 6 of chapter 68 of our Revised Statutes requires each individual (not already registered) who seeks registration as a pharmacist to present to the board satisfactory evidence on three things: 1) graduation from some regularly incorporated college of pharmacy; 2) employment in an apothecary store for one year; 3) competency for the business. Graduation from a pharmaceutical college is an integral part of the statutory criteria for fitness established for original Maine applicants. It is, therefore, part of the degree of competency which must be shown by an applicant registered in a foreign state. Accordingly, the Board may not lawfully license the individual registered in a foreign state in 1940 who does not possess a degree from a college of pharmacy.

Sincerely,

PETER G. RICH

Assistant Attorney General

November 26, 1962

To: Lawrence Stuart, Secretary, Passenger Tramway Safety Board

Re: Registration of Small Rope Tow Operation

You have asked for an opinion as to whether the Passenger Tramway Safety Board may lawfully compel the registration of a small rope tow operation when that tow is owned by several people for the use of the owners and their friends. The size of the tow is not known but it is not a substantial one.

R. S., chapter 35-A, section 13, provides that "no passenger tramway shall be operated in this state, unless the operator thereof has been registered by the board." Section 2, IV, of chapter 35-A defines "operator" as any person who "owns or controls the operation of a passenger tramway." A rope tow is included in the definition of a passenger tramway, section 2, V.

Regardless of the size of the operation, the rope tow must be licensed by the board before it can be operated. The reasons for this are well stated in the declaration of policy which forms the first section of the passenger tramway safety law, chapter 35-A:

"It shall be the policy of the State of Maine to protect its citizens and visitors from unnecessary mechanical hazards in the operation of ski tows, lifts and tramways, to ensure that reasonable design and construction are used, that accepted safety devices and sufficient personnel are provided for, and that periodic inspections and adjustments are made which are deemed essential to the safe operation of ski tows, ski lifts and passenger tramways."

PETER G. RICH

Assistant Attorney General