

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

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