

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**For The Calendar Years**

**1963 - 1964**

bility of reporting same to the proper law enforcement officials in order that an investigation may be made.

RUTH L. CROWLEY  
and  
FRANK W. DAVIS  
Assistant Attorneys General

January 31, 1963

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

Dear Mr. Allen:

Since talking with you, I have studied again the wording of Section 14 of your law, and have discussed its meaning with the Attorney General.

It would appear that the words "who supply medicines to their bona fide patients" are not descriptive of the words "hospitals and sanitariums." If we consider hospitals who *do not* supply medicines, it is readily seen that such hospitals would not have pharmacies and the above quoted phrase would be meaningless unless it intended to restrict hospitals to supplying medicines only to bona fide patients.

It is, therefore, the opinion of the Attorney General that a hospital may not supply prescription drugs to its employees without complying with paragraph 1 of section 14. The hospital, in addition, would have to comply with the Unfair Sales Act, Revised Statutes, Chapter 184, section 1.

Sincerely yours,

LEON V. WALKER, JR.  
Assistant Attorney General

February 7, 1963

To: Maynard F. Marsh, Chief Warden, Fish & Game

Re: Trespass on Lakes and Ponds

1. In your memo of January 3rd, you ask whether filling in with gravel along the shores of inland lakes is legal. The letter from your supervisor refers to Long Lake, but I will broaden this opinion to include all lakes and ponds.

2. Great ponds are natural ponds exceeding 10 acres in area. Marginal owners on these ponds own only to natural low water mark. Long Lake is such a pond. Below low water mark, the state owns the bed of the pond. Any filling in below low water mark is a trespass against the state.

3. Mill ponds, artificial ponds, and ponds of less than 10 acres are privately owned.

4. Remedies against trespassers are several, and vary considerably in severity. It is suggested that a conference be held with the Attorney General to determine as a matter of policy which remedy should be used.

LEON V. WALKER, JR.  
Assistant Attorney General