

MAINE STATE LEGISLATURE

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July 8, 1965

Maynard F. Marsh, Chief Warden

Inland Fisheries & Game

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Attorney General

Granting of Resident Licenses to Certain Aliens

FACTS:

Certain aliens residing in Maine have asked for resident licenses to fish and hunt on the ground that they are paying real estate taxes on their mobile homes.

QUESTION:

May the Department of Inland Fisheries and Game issue resident licenses to such aliens?

ANSWER:

See Opinion.

OPINION:

Title 12, M.R.S.A., § 1901, subsection 1, provides that any alien who has resided in this State continuously for one year, and in addition is assessed and pays taxes on real estate in the municipality in which he resides, may purchase any resident license issued under Chapters 301 to 335.

Title 36 M.R.S.A., § 551, provides that for the purposes of taxation real estate shall include house trailers affixed to the realty. It further provides that house trailers on leased land or on land not owned by the owner thereof, when situated in any municipality, shall be considered real estate for purposes of taxation, but when such trailers are located in the unorganized territory they shall be assessed and taxed as personal property.

Title 1 M.R.S.A., § 72, subsection 13, defines "municipality" to include cities, towns and plantations. "Plantations" presumably refers to those having some degree of municipal organization.

Since house trailers in municipalities are taxed as real estate, any alien in such municipalities who owns a trailer affixed to the realty, and who otherwise meets the requirements of 12 M.R.S.A. § 1901, subsection 1, is entitled to receive the resident license therein mentioned.

In the unorganized territory, such trailers are taxed as personal property, and an alien owner would not be entitled to such license.

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