

bulkheads and other beach protection devices along the Atlantic Ocean, including "any inlet along the coast of the State of New Jersey" in order to "repair damage caused by erosion and storms, or to prevent erosion of the beaches and to stabilize the inlet." Here again, it seems clear that an inlet, within the purview of that law, was a body of water whose shores might be eroded by the action of the sea and its tides and might therefore need to be stabilized. In the case of Deal Lake, erosion by the sea has already been prevented and the shores of the lake stabilized by the construction of the beach and highway separating it from the ocean.

These reasons lead to the conclusion that the aforesaid request for State aid from coast protection moneys cannot legally be granted.

Yours very truly,

THEODORE D. PARSONS,  
*Attorney General.*

By: THOMAS P. COOK,  
*Deputy Attorney General.*

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DECEMBER 3, 1952.

*Major William O. Nicol, Supervisor,  
Hotel Fire Safety,  
1060 Broad Street,  
Newark, New Jersey.*

FORMAL OPINION—1952. No. 37.

DEAR MAJOR NICOL:

Your letter of August 27, 1952, requesting an opinion interpreting N. J. S. A. 29:1-11 (L. 1948, c. 340, p. 1330, sec. 4, as amended L. 1950, c. 245, p. 827, sec. 1), received.

N. J. S. A. 29:1-11 reads in part as follows: "'Hotel' means every building kept, used, maintained, advertised as or held out to be a place where sleeping accommodations are supplied for pay to transient or permanent guests, in which fifteen or more rooms are rented, furnished or unfurnished, including any room found to be arranged for or used for sleeping purposes, with or without meals, for the accommodation of such guests, or every building, or part thereof, which is rented for hire to thirty or more persons for sleeping accommodations."

The specific questions presented are whether a building used as a residence for retired Salvation Army officers, and buildings used as nurses' homes and operated in connection with hospitals, are subject to said law, and if so, must a hotel registration fee be paid.

It is my opinion that the building to be used as a residence for retired Salvation Army officers is subject to said law, so long as the occupants pay rent, though nominal, and a registration fee must be paid.

The statute is explicit in its definition of a hotel. If the conditions are met, the law applies. This being a statute in derogation of common law principles and public freedom, it must be strictly construed, and we are not at liberty to read into it an interpretation other than that expressly set forth by the legislators, who undoubtedly would have provided exemptions had such been their intent.

I am further of the opinion that nurses' homes such as confront you are not subject to this law, and no registration fee is necessary. The nurses' homes are in effect part of the hospital plan, and the accommodations offered are part of the nurses' salaries. As such, it appears that no rent is paid, which the statute holds to be an essential factor to designate such a building a hotel.

I trust that the foregoing answers the questions raised.

Very truly yours,

HENRY W. ECKEL, JR.,  
*Deputy Attorney General.*

HWE/LL

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OCTOBER 30, 1952.

HON. THOMAS S. DIGNAN,  
*Deputy Director of Civil Defense,*  
State House Annex,  
Trenton, New Jersey.

FORMAL OPINION—1952. No. 38.

DEAR MR. DIGNAN:

Receipt is acknowledged of your letter in which you request my opinion as to the operation and effect of chapter 12 of the laws of 1952 entitled "An act to provide disability, death and medical and hospital benefits for civil defense volunteers who may suffer injury as a result of participation in authorized civil defense service."

You submit for my consideration and opinion three specific queries. Your queries and the answers thereto follow:

"Question Number 1. Can actual duties by Civil Defense volunteers with the regular police or fire departments constitute practice or training sessions and as same will the Civil Defense volunteers be covered by insurance under this bill?"

If the Civil Defense volunteers are expected to work with the local police and fire departments, in order to obtain practical training for meeting emergencies which might occur in connection with defense problems, then any injury arising out of and in the course of the performance of duty sustained by any of these volunteers would be compensable under the chapter. The practice or training should be bona fide practice or training sessions, and the local municipalities should not be permitted to take advantage of the services of the Civil Defense volunteers by utilizing