

MAINE STATE LEGISLATURE

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STATE OF MAINE.

REPORT

OF THE

ATTORNEY - GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1904.

1905

AUGUSTA
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1905

BOARDS OF HEALTH IN PLANTATIONS.

1. Organized "plantations" are included in the word "town" unless otherwise expressed, and are required to take the necessary measures to prevent the spread of infectious diseases.

2. Organized "plantations" are required to pay plantation clerks the fees required for recording births, marriages and deaths.

*Dr. A. G. Young, Secretary of the State Board of Health,
Augusta, Maine:*

My Dear Sir:—I herewith make answer to your questions submitted under date of February 2, of the following tenor:

1st. Whether or not organized plantations are included in the law of 1887, Chap. 123, and acts amendatory thereof and additional thereto?

2d. Whether or not organized plantations are required to take requisite measures to prevent the spread of infectious diseases such as diphtheria or smallpox?

3d. Whether or not organized plantations are required to pay their plantation clerks the fees for receiving, recording and returning the facts relating to births, marriages and deaths, as provided in Sec. 17, Chap. 118 of the Laws of 1891 and Acts amendatory thereof and additional thereto?

OPINION.

Sec. 1 of Chap. 123 of the Public Laws of 1887 provides: "That there shall be a local board of health in each city and town in this State." * * * This section uses only the words "city and town," and in fact this same expression is used throughout the entire chapter, except in some instances the word "town" alone is used, as also in the acts amendatory thereof and additional thereto. The word "plantation" is not found in any of the laws relating to the board of health, so far as I have been able to discover. However, it is hardly possible that the Legislature would have passed a law providing against infectious diseases or for establishing boards of health with the intention that they should apply only to cities and towns, for by so doing a large part of the border section of the State would be left unpro-

tected, besides infectious diseases are quite as frequent in plantations, where less care is taken to guard against them, as in more thickly settled portions of the State. The Legislature in using the words city and town must have intended to include plantations. This is borne out by referring to Chapter 1, Revised Statutes, 1883, Sec. 6, paragraph 17, which reads as follows:

“The word ‘town’ includes cities and plantations, unless otherwise expressed or implied.” It is quite evident, therefore, that the use of the word “town” in said Chapter 123 and laws amendatory thereof and additional thereto, includes plantation. I do not find it otherwise expressed or implied.

The answer to the second query follows in the line of the answer to the first. Assuming that the word “town” includes “plantation,” then plantations are controlled and governed by the same laws which control and govern towns in relation to protection against infectious diseases.

The answer to the third query proceeds upon the same ground. The word “town” as used includes “plantation” beyond any question of doubt; hence, plantations are required under Chap. 118, Sec. 17 of the Laws of 1891, and Acts additional thereto and amendatory thereof, to pay to the clerk of such plantation, the statute fee required to be paid for “recording and returning the facts required to be recorded” for each marriage, birth and death.

LOW GRADE FEED STUFF.

Prosecutions under Chap. 334, Public Laws, 1897, for violation of the law.

Hon. A. W. Gilman, Commissioner of Agriculture, Augusta, Maine:

My Dear Sir:—I herewith make answer to your letter under cover of February 5, 1903, submitting the following questions relating to the feeding stuffs law.

1. In case low grade feed stuff was sold by a wholesale dealer last November and complaint was made and notice given as required, could such dealer be legally prosecuted at the expiration of thirty days unless it can be shown either,

(a) That he made another sale of such goods after receipt of such notice; or,