

# MAINE STATE LEGISLATURE

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STATE OF MAINE.

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REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1908.

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WATERVILLE  
SENTINEL PUBLISHING COMPANY  
1909

EXAMINING BOARDS.—DISPOSITION OF FEES  
RECEIVED.

*Dr. A. G. Young, State Board of Embalming Examiners,  
Augusta, Maine:*

DEAR SIR:—Your letter of the 12th received, making an inquiry in substance, if the State Board of Embalming Examiners must turn over to the State treasurer sums of money received from applicants for examination, under the laws referred to by you, R. S., chapter 18, section 18, and laws of 1905, chapter 54.

R. S., chapter 18, section 18, reads as follows:

“Sec. 18. The fee for registration under sections eleven to nineteen inclusive, shall be one dollar, and for examination five dollars. The money thus received by the board of examiners shall constitute a permanent fund for carrying out the work provided in said sections. From the money thus received the expenses of printing, for stationery, for postage, for other expenses necessarily incurred under the provisions of said sections, and for full compensation of the members of the board of examiners, shall be paid. The board of examiners shall be entitled to five dollars each a day and expenses during session. The clerk of the examining board shall be paid one hundred dollars for the first year of his services, and thereafter he shall receive the same compensation as the other members of the board; any balance shall be turned into the treasury of the board of examiners. The clerk of the examining board shall act as treasurer of the board, and shall deposit or otherwise care for any money which may be in the treasury as he may be instructed by vote of the board of examiners.”

Under this act as will be noted the board of examiners we assume have practically administered the money received in paying the matters allowed thereunder.

Laws of 1905, chapter 54, reads as follows:

“Section 1. The members of the boards of registration in medicine, dentistry, pharmacy, embalming and the examiners of applicants for admission to the bar, shall receive as compensation for their services five dollars a day, for the time actually spent, and their necessary expenses incurred in the discharge of

their duties, to be certified by the clerks of their respective boards, and audited by the governor and council. The secretary of each board may also be allowed extra compensation for books, stationery and postage, and their necessary expenses actually incurred. All sums of money received from applicants for examination shall be accounted for and paid quarterly to the treasurer of the state. But in no event shall the compensation for services and expenses exceed the amounts received by each board as fees from applicants in any one year.

Section 2. This act shall take effect on the first day of July one thousand nine hundred and five."

Under this act express provision appears to be made for the turning over quarterly to the treasurer of State all sums of money received by the board from applicants for examination. This is the later act, and from the time it went into effect it is the opinion of this department that the money received from applicants for examination must be paid over quarterly to the State treasurer. It will be noted by section 2 of said chapter 54, of the laws of 1905, that this act of 1905 takes effect on the first day of July, 1905.

Said act of 1905 from the time it took effect would appear to be thus somewhat inconsistent with the said R. S., chapter 18, section 18, and so far as inconsistent it is our opinion that the later act of 1905 would control. Apparently it was the intention of the legislature that there should be an express change in the administration of these funds; that the administration of the same by the Board of Embalming Examiners should cease; that the funds should be paid into the State treasury and be administered through the governor and council and the State treasurer.

#### VITAL STATISTICS.—FALSE RETURNS.

*Dr. A. G. Young, Registrar of Vital Statistics, Augusta, Maine:*

DEAR SIR:—Your inquiry as I understand it is as to whether or not the last clause of R. S., chapter 61, section 21, making it a misdemeanor for any person to make a false return, applies to town clerks.

Upon an examination and consideration of the statutes pertaining to this question, I am inclined to the opinion that the