

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1918

MERRILL & WEBBER CO., AUBURN, MAINE

PRINTERS AND BOOKBINDERS

patrol maintenance can be collected of the town as before suggested.

Yours very respectfully,

GUY H. STURGIS,
Attorney General.

STATE BOARD OF EXAMINERS FOR EMBALMERS—
RELATIVE TO STATE DEPARTMENT OF HEALTH.

4th October, 1917.

State Department of Health, Augusta, Maine.

GENTLEMEN: We have your letter asking about the appointment of members of the State Board of Examiners for Embalmers's license.

Chapter 197, Public Laws of 1917, created a State Department of Health and conferred upon it all the duties before imposed by law upon the State Board of Health. There was created in that act a Public Health Council which takes the place of the old State Board of Health provided for in Chapter 19, Section 1. There was also created a Commissioner of Health whose duties correspond to those of the secretary of the old State Board of Health under Chapter 19, Section 4.

Chapter 19, Section 26, Revised Statutes, provides for a Board of Examiners for Embalmers, of which the secretary shall be the same person as the secretary of the old State Board of Health, and one other member who must be a member of the old State Board of Health.

When Chapter 197, Public Laws of 1917 went into effect, the secretary of the old State Board of Health automatically ceased to exist officially.

Inasmuch as under Chapter 197, Public Laws of 1917, the Commissioner of Health thereby created corresponds to the secretary of the old State Board of Health, he also becomes automatically secretary of Board of Examiners for Embalmers. There is also, for the same reason, a vacancy in the Board of Examiners for Embalmers because that member, who was also a member of the old State Board of Health, has ceased officially to exist. The office should be filled by the Governor by appointment.

It is our opinion that the Commissioner of Health can exercise the duties of the secretary of the old State Board of Health and becomes ex-officio secretary of the Board of Examiners for Embalmers.

The Governor should also appoint one member of the Public Health Council to take the place of the member of the State Board of Health who was also a member of the Board of Examiners for Embalmers and whose office was automatically suspended when Chapter 197, Laws of 1917, went into effect.

Very truly yours,

FRANKLIN FISHER,

Assistant Attorney General.

SCHOOL UNION—EXERCISE OF RIGHT TO WITHDRAW.

20th April, 1917.

*Hon. Glenn W. Starky, State Superintendent of Schools,
Augusta, Maine.*

DEAR SIR: We are in receipt of your communication asking whether or not the town of Steuben properly withdrew from the union formed under Chapter 16, Section 55, for hiring a superintendent of schools, said union being composed of Milbridge, Harrington, Columbia and Steuben.

After such a union has been in existence for three years, Section 55, Chapter 16 provides that "any of the towns forming said union may at its annual meeting withdraw from said union." This statute seems to provide for but one interpretation and that is, that a town must, if it desires to withdraw from the union after it has been established three years, so decide at its annual meeting. The vote taken by the town of Steuben at its annual meeting on March 12, 1917, is as follows:—

"Annual meeting March 12, 1917.

Art. 33. To authorize the school com. to join a school union and contract for the services of a Supt. of Schools.

Voted to instruct School Com. to join a Union and contract for Supt. of Schools."

This is attested by the town clerk, W. E. Dutton.

The action of the town seems to have been that it authorized its school committee to either remain in the old union or join a new one at the discretion of the committee. Inasmuch as the