

MAINE STATE LEGISLATURE

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PUBLIC DOCUMENTS

OF THE

STATE OF MAINE

BEING THE

REPORTS

OF THE VARIOUS

**PUBLIC OFFICERS
DEPARTMENTS AND
INSTITUTIONS**

FOR THE TWO YEARS

JULY 1, 1926 - JUNE 30, 1928

PUBLIC DOCUMENTS, 1926-28

(Explanatory Note)

Three reports in this volume cover periods in variance with the given biennium. They are as follows:

1. The report of the Attorney General covers the period from 1924 to 1928.
2. The report of the Bangor State Hospital covers the period from 1919 to 1928.
3. The report of the department of Inland Fisheries and Game covers the fiscal year ending June 30, 1928. No printed report was made for the fiscal year ending in 1927.

STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1926

PRESS OF MERRILL & WEBBER CO.
AUBURN, MAINE

person during his last sickness or present at the time of death.

It is my opinion that in order to avoid any question as to whether or not the requirements of the statute have been fulfilled as regarding the certificate of death, it would be advisable, where chiropractor or osteopath is in attendance during the last sickness and at the decease of a person, to have the clerk make and sign the certificate in accordance with the provisions of Section 24.

Very truly yours,

SANFORD L. FOGG,

Deputy Attorney General.

September 16, 1926.

C. F. Kendall, Commissioner, Health Department, Augusta, Maine.

DEAR SIR: In answer to your inquiry of September 9th, regarding quarantine regulations, I am pleased to inform you that it is my opinion that a person who has actual notice of the quarantine and leaves the house or place of quarantine, violates the law, and action can be taken against such person under the provisions of law relating to quarantine.

Actual notice is the test, whether such notice be given orally, in writing or by placard.

Very truly yours,

SANFORD L. FOGG,

Deputy Attorney General.

March, 19, 1925.

State Highway Commission, Augusta, Maine.

GENTLEMEN: In answer to your letter of March 12th, regarding the taking of gravel from shores of Grand Lake near "Peter Dana's Point", so-called, in the Indian Reservation, there appears to be no direct authorization by statute regarding this matter, but Section 46 of Chapter 14 of the Revised Statutes, provides that:

"The governor and council may, at the expense of the state, and for the benefit of the Passamaquoddy Tribe, lease or sell the whole

or any part of the Indian Township, on such terms as they deem just, and all sums received from such leases or sales shall be credited to the funds of said tribe."

We have no doubt that under this provision of statute, the Governor and Council would have the right to grant the State Highway Commission the right to take gravel from this Point, fixing the compensation therefor at whatever would seem right and credit the amount received to the funds of the tribe.

We would suggest that in case you desire to secure this gravel, you make application to the Governor and Council who evidently have authority in the premises.

Yours very truly,

SANFORD L. FOGG,

Deputy Attorney General.

April 27, 1925.

Earl L. Russell, Esq., 85 Exchange St., Portland, Maine.

DEAR SIR: The State Highway Commission has handed this department your letter of April 10th, and also the petition of Marcia Moses to the State Highway Commission. We understand from the Commission that the petition relates to the change of grade of a third class highway, and relates to the assessment of damages.

Section 5 of Chapter 25, Revised Statutes, classifies highway in three general classes. First, State highways, second, aid highways, and third, third class highways, which shall mean all other highways not included in the two classes above mentioned, that is, state and state aid highways.

Section 13 of Chapter 25, Revised Statutes, provides for the assessment of damages with reference to the location and alteration of state or state aid highways, and provides that a person injured by the construction may within six months apply in writing to the Commission setting forth the injury, and the Commission shall thereupon build such way and assess the damages, if any, that have been occasioned thereby etc.

We fail to find any requirement of statute whereby the State Highway Commission is called upon to assess damages relating to the widening or changing of grade of a third class highway.