

# 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

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## REPORT

OF THE

# ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1926

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PRESS OF MERRILL & WEBBER CO.  
AUBURN, MAINE

April 14, 1925.

*Dr. S. E. Vosburg, Supt. Maine School for Feeble Minded, West  
Pownal, Maine.*

DEAR DOCTOR:

In re Power of Trustees to Discharge Inmates of the School for Feeble Minded.

We understand that it is the case of Janette Gurney of Augusta, that requires an opinion from this department at this time.

It appears that this girl was committed a few years ago from the Municipal Court of this city to the State School for Girls at Hallowell under the provisions of Section 20 of Chapter 144 of the Revised Statutes, as amended by Chapter 55 of the Public Laws of 1921. Somewhat later, it was determined by the trustees of the Juvenile Institution that this girl was feeble minded and consequently she was transferred by said trustees to the Maine School for the Feeble Minded under the provisions of Section 4 of Chapter 130 of the Public Laws of 1917. The last paragraph of Section 4 provides that upon the delivery of the girl to the officers of the Maine School for the Feeble Minded, together with the original mittimus and certificates therein provided, it shall be the duty of the officers of the Maine School for the Feeble Minded to receive such girl, and thereafter the trustees of the Juvenile Institutions shall cease to have any authority over such girl, and the hospital trustees shall have the same authority over said girl as they would have if she had been originally committed to the Maine School for Feeble Minded.

In Section 50 of Chapter 145 of the Revised Statutes, it is provided that "Any inmate of the school may be discharged by a majority of the trustees or by a Justice of the Supreme Judicial Court, or of either Superior Court, whenever a further detention in such school in their opinion is unnecessary; but any person so discharged who was under sentence of imprisonment at the time of his commitment, the period of which shall not have expired, shall be committed or remanded to prison for such unexpired time."

Chapter 160, Public Laws of 1923, amending Chapter 139

of the Revised Statutes, evidently related to the transfer of insane or feeble minded persons from the various institutions therein mentioned, to the insane hospitals or the school for feeble minded, but does not repeal or modify Section 50 of Chapter 145, Revised Statutes, relating to the discharge of inmates of the said school. It is, therefore, our opinion that an inmate may be discharged in accordance with the provisions of Section 50, Chapter 145, Revised Statutes.

Very truly yours,

SANFORD L. FOGG,  
*Deputy Attorney General.*

July 31, 1925.

*C. F. Kendall, Commissioner, State Department of Health,  
Augusta, Maine.*

DEAR DR. KENDALL: Answering your letter of July 28th, in which you ask the opinion of this department whether or not the road side lunch places should be licensed under the provisions of the innholders and victualers law.

The law relating to innholders and victualers is a very old statute and as far as it relates to innholders it concerns those who hold themselves out as furnishing lodging, food and entertainment to all who apply. The victualer is a person who attempts to do all that the innholder can do except furnishing lodging and his business is to furnish such to all who apply.

It is our opinion that the roadside lunch place, tea room etc., many of which are in existence now, do not come within the provisions of the statute to which you refer. As indicative of the construction placed on this innholders and victualers act, we find in the statutes a later law providing that the municipal officers may license persons who desire to maintain a lunch wagon. This latter act being passed in 1909 and is now Section 30 of Chapter 31 of the Revised Statutes. It was evident then that the innholders and victualers law did not apply to the person desiring to conduct a lunch wagon.

In case it is thought wise to have the roadside store placed