

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

of towns where the insane person resided or was found, and is as follows:

"The certificate of commitment to the hospital after a legal examination, is sufficient evidence, in the first instance, to charge the town where the insane resided, or was found at the time of his arrest, for the expenses of his examination and commitment to the hospital; and when his friends or others file a bond with the treasurer of the hospital in which he is confined the state shall not be liable for his support, unless new action is had by reason of the inability of the patient or his friends longer to support him; and such action may be had in the same manner, and before the same tribunal, as if he had never been admitted to the hospital."

Section 29 of the same chapter provides that bills chargeable to the state shall be filed with the Governor and Council, and provides a remedy for the towns.

Section 30 of the same chapter, provides for the recovery by the state from persons legally liable for their support.

Yours very truly,

SANFORD L. FOGG,

Deputy Attorney General.

July 13, 1925.

Hon. Ralph O. Brewster, Governor of Maine, Augusta, Maine.

DEAR GOVERNOR BREWSTER:

In re Appointment of Commission to confer with United States Battlefield Commission, regarding State of Maine Land and Fort at Petersburg, Virginia.

I have examined the law with reference to this fort and find that by Chapter 174 of the Resolves of 1893 the sum of \$600., was appropriated to be paid out of any money in the state treasury to the treasurer of the First Maine Heavy Artillery Association, the same to be used for the purchase of land and the erection of a suitable memorial tablet on the field of their fatal and now famous charge on 18th, June, 1864, near Petersburg, Virginia.

I also find that Chapter 45 of the Resolves of 1895 provides that the Governor and Council are hereby authorized to accept for the State of Maine from the First Maine Heavy Artillery Association or from Horace H. Shaw, holding title in trust for them, a gift to the State of a lot of five acres of land situated

near Petersburg, Virginia, together with a monument erected on said lot in memory of the six hundred and four members of that regiment who fell charging there June 18, 1864.

I have examined the deed of the property made to Mr. Horace H. Shaw and by him to the State of Maine, Shaw's deed to the State being made in 1895. I do not find any act of the legislature in which power was given to the Governor and Council to appoint a commission for the care or control of this property. In the absence of any legislative act, it is my opinion that the Governor and Council would not have the power to appoint a Commission as suggested in the communication to you.

I am returning the correspondence which you made a part of your inquiry, also copies of the two resolves above referred to.

Yours very truly,

SANFORD L. FOGG,

Deputy Attorney General.

July 25, 1925.

To His Excellency, the Governor and Honorable Members of the Executive Council.

GENTLEMEN:

In re Application for Abatement of Taxes by the Biddeford & Saco Railroad Company.

Having considered the question upon which the advisory opinion of the Attorney General is requested, I respectfully submit the following answer.

This tax was assessed by the Board of State Assessors under the provisions of Chapter 9 of the Revised Statutes, as amended. Section 30 of said chapter gives said board power to abate such a portion of the tax, which through error or mistake appears to be excessive, provided the application for such abatement is made within the year for which such tax is assessed.

In this case the application was not made within the specified time, hence the State Assessors cannot grant the desired relief. I fail to find any other provision of statute authorizing the requested abatement or reimbursement. It is, therefore, my opinion