

# 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

within the power of the municipal officers to license, it is my opinion that a special act of the legislature is necessary.

Yours very truly,

SANFORD L. FOGG,

*Deputy Attorney General.*

February 25, 1926.

*C. F. Kendall, M. D., Health Commissioner, Augusta, Maine.*

DEAR SIR: I am pleased to acknowledge receipt of your letter of February 23rd, in regard to the signing of birth and death certificates.

Section 19 of Chapter 64 of the Revised Statutes, provides that the attending physician, accoucher, midwife or other person in charge, who shall attend the birth of any child, living or stillborn, within the limits of any town or city within this state, shall report to the clerk of such town or city within six days thereafter all the facts regarding such birth, as required by Section 18. From this it is evident that the osteopath, et als, mentioned in your letter can report the facts.

Section 21 of said chapter provides that a physician who has attended a person during his last illness shall within twenty-four hours after the death of said person, make a certificate, etc. It will be noticed that a physician must make a certificate.

As far as I have been able to ascertain our court has never decided as to whether or not one practicing chiropractic or osteopathy can properly be called a physician. It has been held in other states that the word "physician" in the statutes with reference to the practice of medicine does not include an osteopath, as osteopathy teaches neither therapeutics, materia medica, surgery, nor bacteriology, but rests entirely upon the manipulation of the body for the cure of the disease.

Consequently there is some doubt as to the right of the osteopath, et als, to sign death certificates.

Section 24 of said Chapter 64, provides that whenever any deceased person did not have the attendance of a physician in his or her last sickness, the town clerk may issue and sign a certificate of death upon presentation of such facts as may be obtained from relative or persons in attendance on said deceased

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