

# 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, 1928 - JUNE 30, 1930**

STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1929-1930

## WORLD WAR RELIEF

January 30, 1930

George W. Leadbetter, Secretary,  
World War Relief Commission,  
Augusta, Maine

Dear Mr. Leadbetter:

I have your two inquiries regarding Public Laws 1929, Chapter 295.

In my opinion, relief under this Act cannot be extended to step-children, step-parents or foster-parents. Section 2 of the Act refers to "children" and "father or mother." One does not become legally the child of a person merely by that person's marriage to one of the natural parents of the child. One does not legally become the parent of a child merely by taking the child in and fostering him.

It is, however, my opinion that actual dependency of the parent of a dead or disabled veteran, in the sense of necessitous circumstances such that the person is dependent for support on some person or agency outside himself, is sufficient to entitle him to relief; not merely the dependency of such parent upon the veteran. Dependency of a father or mother upon an employee is necessary for compensation under the Workmen's Compensation Act, but the object of that Act is more limited than the object of the present Act and that Act expressly defines dependency as of the date of the death of the decedent. There is no such limitation in Public Laws 1929, Chapter 295.

Section 2 of the Act of 1929 strictly resembles Section 2 of the State Pension Law, Revised Statutes, Chapter 148. In its original form this provided benefits for

"The dependent child, parent or sister of any soldier or seaman deceased."

This wording as interpreted in practice gave relief to beneficiaries on the basis of their actual dependency viz.: necessitous circumstances regardless of their dependent condition at the time of the death of the soldier. This section was subsequently amended by Public Laws 1919, Chapter 110, Section 2, and Public Laws 1925, Chapter 119, Section 2, so that, among other things, it now provides that the claimant must have been "dependent upon him at the time of his decease."

In accordance with usual principles of statutory construction, therefore, we must deduce that the Legislature in following the original wording of Chapter 148 had in mind the interpretation given to that section. If they had meant to limit the dependency to actual dependency upon the veteran at the time of his death or disability, the Legislature would have used the wording in the amendment to Section 2, of the Revised Statutes.

This impression of the meaning of the section is confirmed by reference to the Legislative Record for 1929. Speeches on Page 1272, and following, show that the actual understanding on the part of the

Legislature was that relatives in necessitous circumstances would be protected under the law not merely relatives who were dependent on the veteran at any one particular date.

Very truly yours,

CLEMENT F. ROBINSON  
Attorney General

### HOSPITALS

December 6, 1929

Honorable William Tudor Gardiner,  
Governor of Maine,  
Augusta, Maine

My Dear Governor:

In answer to your recent oral inquiry in regard to the reception and treatment free of charge by hospitals and institutions, which shall receive an appropriation from the State, of patients under the control of the State School for Boys and those under the control of the State School for Girls, as provided in Section 32 of Chapter 144 of the Revised Statutes; and as to the effect of the enactment of Chapter 35 of the Private and Special Laws of 1929 concerning the free treatment of the aforesaid patients in such institutions, I beg to advise you that it is provided by said Section 32 that in consideration of receiving an appropriation the hospital or institution is obligated to receive patients from the aforesaid schools and furnish free of charge proper food, lodging, medicine, surgery, medical attendance and nursing as long as necessary.

Chapter 35, Private and Special Laws of 1929 entitled, "An Act Relating to Appropriations for Public and Private Hospitals," appropriated the sum of one hundred and sixty thousand dollars for each of the fiscal years ending June 30, 1930 and 1931 respectively, for the "necessary care and medical and surgical treatment \* \* \* in or by public or private hospitals, of *certain classes* of persons whose resources, or the resources of whose responsible relatives, are insufficient to pay for the same. All said moneys shall be expended under the direction of the State Department of Public Welfare."

Neither this Act nor any other Act passed by the Eighty-fourth Legislature, as far as I can ascertain, made any state appropriation for the institutions mentioned in Section 32, consequently the consideration therein mentioned no longer exists; and Chapter 35 appears to limit the expenditure of the appropriation to destitute persons who are without resources sufficient to provide for hospital treatment, and does not seem to include the patients provided for in Section 32.

It is, therefore, my opinion that the trustees of the aforesaid schools will have to pay necessary hospital charges for their inmates.

Respectfully yours,

SANFORD L. FOGG  
Deputy Attorney General