

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

July 11, 1926

Alton H. Swett, D. M. D.
Secretary Board of Dental Examiners
Portland, Maine

Dear Sir:

In reply to your letter of July 7, I am pleased to advise that in my opinion a person is not operating a dentist's office permanently or, in the words of the statute, "maintaining permanent dental offices in the State of Maine", unless those offices are permanently open to the public, with the possible exception of a reasonable vacation for the operator of the office.

However, the law excepts residents of this state and that question presents more difficulties for, in order to be a resident of Maine, continuous presence in the state is not necessary, and, primarily, it is determined by the intention of the person in question. With respect to Dr. Richardson, I notice that the letter to you from Mr. Gilley states that Dr. Richardson is a resident of Northeast. I notice that Dr. Furfy and Dr. Slack both pay a poll tax and property tax in Bar Harbor and, while the payment of a tax by them is not all compelling, nevertheless it is strong evidence of the intention of the two doctors to treat the State of Maine, and Bar Harbor in particular, as a residence. With respect to Dr. Slingsby, the letter of Mr. Gilley is silent respecting the poll tax and the property tax, and furnishes no information on which to venture an opinion with respect to his residence.

In brief, it is my opinion that the mere operation of a dentist's office during the summer months does not constitute a permanent office within the meaning of the statute, and with respect to residence, the question is solely one of fact to be determined from all of the circumstances which may bear upon the intention of a particular person.

Very respectfully yours,

Attorney General