

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

November 4, 1941

Hon. George E. Hill
State Tax Assessor
Augusta, Maine

Dear Brother Hill:

In response to your inquiry of October 31st, I am pleased to inform you that, in my opinion, it is not necessary in conveyances by your Department in the name of the State, to attach the great seal of the State.

It is provided by our statutes that "when the seal of a court, magistrate, or a public officer is to be affixed to a paper, the word *seal* may mean an impression made on the paper for that purpose, with or without wafer or wax."

Our court has said "the annexing of a piece of paper by wafer or wax, or any adhesive substance, is now everywhere regarded as equivalent to the impression formerly required, and makes a valid seal."

It would seem to me that an ordinary seal, attached by you, is sufficient to make the conveyance legal and in accordance with our statutes.

Very truly yours,

SANFORD L. FOGG
Deputy Attorney General

November 19, 1941

Adam P. Leighton, Jr., M. D.
Secretary Board of Registration of Medicine
192 State Street
Portland, Maine

Dear Sir:

I have your inquiry of November 7th, in regard to the use of the prefix "Dr.", or the word "Doctor". R. S. Chapter 21, Section 15 provides as follows:

"Unless duly registered by said board, no person shall practice medicine or surgery," etc . . . "Unless duly registered by said board, no person shall prefix the title "Doctor" or the letters "Dr.", or append the letters "M. D." to his name, or use the title of doctor or physician in any way excepting that any member of the Maine Osteopathic Association may prefix the title "Doctor" or the letters "Dr.", to his name, when accompanied by the word "Osteopath". Whoever not being duly registered by said board practices medicine or surgery, or any branch thereof, or

holds himself out to practice medicine or surgery, or any branch thereof in any of the ways aforesaid, or who uses the title "Doctor" or the letters "Dr." or the letters "M. D." in connection with his name, contrary to the provisions of this section, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars for each offense, or by imprisonment for three months, or by both fine and imprisonment; the prefixing of the title "Doctor" or the letters "Dr." or the appending of the letters "M. D." by any person to his name, or the use of the title of doctor or physician in any way by any person not duly registered as hereinbefore described shall be prima facie evidence that said person is holding himself out to practice medicine or surgery" etc.

Our Legislature has never enlarged upon the provisions of said section 15 to permit the use of the title of doctor or physician otherwise than as above provided, and such use, except in the case of honorary degrees or other degrees granted by a reputable college or university, is restricted to doctors of medicine and osteopathy as defined in said section.

Very truly yours,

FRANK I. COWAN
Attorney General

November 25, 1941

Oscar Fellows, Esquire
Bangor, Maine

My dear Oscar:

Your letter of November 21, addressed to General Cowan, came this morning. I am sorry to inform you that the General is in Farmington where the Wheeler murder trial is going on.

In the General's absence I am pleased to call your attention to 43 Corpus Juris, Pages 876 and 877, Sections 1576 to 1582, inclusive, and especially to Page 887, Section 1613, and Page 902, Section 1652. These indicate to me that a teacher is an employee and not an officer of the city or town. It is possible that some of the many citations under Section 1613 may give you the information you seek.

The case of Goud v. Portland, 96 Me., 126, while not in point, recognizes the difference between a public officer and a mere employee.

Very truly yours,

SANFORD L. FOGG
Deputy Attorney General