

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

the healing art, the science of preserving health and treating disease for the purpose of cure, whether such treatment involves the use of medical substances or not.

The above shows that there is a very marked difference in the attitude that Courts of different states have taken toward the question of interpretation of the status of the osteopathic physician. All of them, however, show that the osteopathic physician is still, to a certain extent, in a different class from the Doctor of Medicine. We are, therefore, able to apply to this question the distinction which is set up by our own statutes. R. S. Chapter 21, Section 70, declares that: "All laws, rules or regulations now in force in this state, or which shall hereafter be enacted, for the *purpose of regulating the reporting of contagious diseases, deaths or births* to the proper authorities, and to which the registered practitioner is subject, shall apply equally to the practitioner of osteopathy, *and all reports and health certificates* made by osteopathic physicians shall be accepted by the officers of the departments to which the same are made *equally with the reports and health certificates of doctors of medicine.*"

It is a well known principle of law that the enumeration of certain powers is held to impliedly exclude powers not expressly given. It is apparent that the Legislature of Maine has not yet gone so far as to give to osteopathic physicians all of the same powers, rights and responsibilities that have been given to Doctors of Medicine, and that the Legislature still maintains a legal distinction between the two classes. We must conclude, therefore, that osteopathic physicians are not qualified under our statutes to serve as examiners on the question of insanity.

FRANK I. COWAN
Attorney General

Oct. 28, 1942

To:
Alfred W. Perkins, Commissioner

From:
The Attorney General

Renewal Certificates on Fire Insurance Policies

I have your inquiry of October 28th, as to whether under our law a renewal certificate can be issued in connection with fire insurance policies. In my opinion it cannot because the renewal certificate does not conform to the requirement in the statute providing for inclusion of the standard form.

An opinion given by me last March in reply to an inquiry from you about renewal certificates in connection with casualty policies must be construed as not applying to fire insurance policies.

FRANK I. COWAN
Attorney General