

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

June 18, 1943

To:
Harrison C. Greenleaf, Commissioner
Institutional Service

From:
Frank A. Farrington, Deputy
Attorney General

Parole of Men's Reformatory Inmates Transferred to State Prison

Reference is to your memorandum of June 11th, dealing with the question of parole in connection with inmates of the Men's Reformatory who have been transferred to the State Prison under the provisions of Section 4 of Chapter 140, P. L. 1941.

In the absence of specific statutory provision for parole under these circumstances, it is the opinion of this department that the policy of the Parole Board should be to follow the same procedure after transfer to the State Prison as would be the case, had the man remained in the Reformatory. The Warden of the prison would step into the position of the superintendent of the reformatory as regards the provisions of Section 2 of Chapter 140, P. L. 1941.

In the instant case, it would seem that the convicts in question become eligible for a parole hearing on recommendation of the warden, after one year from the date of transfer to the State prison.

FRANK A. FARRINGTON
Deputy Attorney General

June 18, 1943

To:
W. Earle Bradbury, Chief Warden
Inland Fisheries and Game

From:
Frank A. Farrington, Deputy
Attorney General

Your memo of June 15th

It is the opinion of this department that Section 98 of Chapter 38 gives an Inland Fish and Game warden the right to stop and search a boat without a warrant within the inland waters of the State, when such warden has reason to believe that birds, fish, game, or other wild animals, taken in violation of law, are to be found therein.

FRANK A. FARRINGTON
Deputy Attorney General

June 22, 1943

To:
R. L. Mitchell, Director
Bureau of Health

From:
Frank A. Farrington, Deputy
Attorney General

Letter of John W. Riley, Town Clerk of Brunswick

Under the circumstances outlined in Mr. Riley's letter there would seem to be no reason why the State laws relative to removal or transportation of a dead body should not be complied with, even though the deceased person is a member of the United States Coast Guard.

It is the opinion of this department on the facts stated that the fact that the deceased had been a member of the Coast Guard does not constitute a fact which changes the State requirements.

I am returning herewith Mr. Riley's letter.

FRANK A. FARRINGTON
Deputy Attorney General

June 23, 1943

Victor H. Hinkley, Chairman,
Maine Board of Commissioners of Pharmacy,
Brewer, Maine.

Dear Mr. Hinkley,

A question has arisen relative to the sale of so-called exempt narcotics by persons not qualified as pharmacists or physicians.

Section 19, Chapter 23, R. S. 1930, as amended by Section 9, Chapter 160 of the Public Laws of 1939, reads in part as follows:

"No person except a registered apothecary or a physician of regular standing in his profession, shall furnish, sell, or keep for sale any opium, morphine, laudanum, or preparations containing opium, morphine or derivative of opium."

Under these terms no one other than those specified therein is permitted to make such sales.

Question has been raised as to whether the Uniform Narcotics Act, Chapter 251, P. L. 1941, has modified said Section 19. After extended study of its provisions, it is the opinion of this department that it does not affect said Section 19 and that under the Maine statutes no one other than a registered pharmacist or a physician of regular standing can sell the so-called exempt narcotics.

This opinion replaces any opinion on the subject which may have been rendered heretofore to any person on the same subject.

Very truly yours,

FRANK A. FARRINGTON
Deputy Attorney General

June 24, 1943

To:

Earl Hutchinson, Director Secondary Ed.

Education

From:

Frank A. Farrington, Deputy

Attorney General

Eligibility of Academic Teachers for Membership in Contributory and Non-Contributory Systems

Reference is to your memorandum of February 15th on the above subject, reply to which has been delayed pending conference, which conference has been held this morning.