

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

home economics. To the extent that the College encourages independent thought and the development of general education, the Trustees are bound to exercise their functions in the same fashion that the governing boards of Bowdoin, Colby and Bates Colleges exercise theirs, with absolute independence of thought and action and with a firm insistence that the ideals of general education shall not be made subservient to any political body, either state or national.

FRANK I. COWAN

Attorney-General

July 27, 1943

Robert B. Dow, Esq.
Attorney at Law
Norway, Maine

Dear Bob:

Your letter of the 26th relative to increase of pay of county employees has been received.

Chapter 103, P. & S. Laws of 1941, approved January 24, 1942, permits a 10% increase for county employees, provided no such increase shall raise the pay to more than \$30. per week. Chapter 229, P. L. 1943, provides that the salaries of clerks and county officers in Oxford and Penobscot Counties "shall be increased 15%" for the duration of the war.

The 1943 act assures a 15% raise and was not, in the opinion of this department, supposed to be in addition to the 10% raise permitted by the previous law. The 15% raise should be based on pay as set before raises were allowed under the prior law.

Very truly yours,

FRANK A. FARRINGTON

Deputy Attorney-General

August 3, 1943

Roscoe L. Mitchell, M. D., Director

Bureau of Health

You have inquired whether or not the State Department of Health can make a regulation modifying or enlarging the rights of licensed practitioners in the field of osteopathy, chiropractic and medicine, so far as certain health programs, carried on with the assistance of the Federal Government are concerned.

The rights of medical practitioners are all set forth in the Public Laws of the State of Maine. You are familiar with the rights of the licensed physician to administer drugs and to practise surgery.

The law relating to the practice of osteopathy is found in Chapter 21, Section 64 of the Revised Statutes of 1930, which allows the practitioner to use such drugs as are necessary in the practice of surgery and obstetrics, including narcotics, antiseptics and anaesthetics.

Chapter 21, Section 75, provides for the limit of the practice of chiropractics, but it does not authorize its holder to practise obstetrics, so far as the same relates to parturition, nor to administer drugs or

perform surgical operations with the use of instruments; but a chiropractor may be licensed to practise surgery after passing the State Board of Medical Examiners.

The last two paragraphs define the rights of the practitioners of osteopathy and chiropractic. The State Health Department could not make a rule, nor regulation, which would enlarge upon these rights, nor take anything away from those that are defined in the present law.

JOHN G. MARSHALL

Assistant Attorney-General

August 11, 1943

Philip D. Stubbs, Inheritance Tax Commissioner

P. L. 1933, Chapter 148, Section 32, provides as follows:

“Inspection of documents filed with commissioner. Papers, copies of papers, affidavits, statements, letters and other information and evidence filed with the commissioner in connection with the assessment of taxes upon legacies and successions shall be open only to the inspection of persons charged or likely to become charged with the payment of taxes in the case in which such paper, copy, affidavit, statement, letter or other information or evidence is filed, or their representatives, and to the commissioner, his deputies, assistants and clerks and such other officers and persons as may, in the performance of their duties, have occasion to inspect the same for the purpose of assessing or collecting taxes.”

It is my understanding that the reason for the language in this section requiring privacy was to check a practice that had grown up in this State under which certain salesmen of corporate stocks got information in regard to inheritances from the State departments, and, armed with this knowledge, proceeded to solicit the beneficiaries.

The intent of the Legislature is clearly expressed in the Statute quoted, and inasmuch as the Inheritance Tax Commissioner is charged with the purpose of assessing and collecting the inheritance taxes, all papers, copies and other information filed with the Commissioner must be kept by the Commissioner and no copies of such papers, copies of papers, or information are to be sent to any other departments except as provided in said Section 32.

In view of the general nature of the duties of the State Auditor and his assistants and his duty to make or have made a post-audit of all State accounts, Section 32 must not be interpreted as barring him or them from inspection of the records in the office of the Inheritance Tax Commissioner.

FRANK I. COWAN

Attorney-General

August 11, 1943

Guy R. Whitten, Deputy Commissioner

Insurance

Controversies between companies and individuals

It is my opinion that the State has no jurisdiction in the matter of private controversies that may arise in individual cases between insur-