

MAINE STATE LEGISLATURE

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April 5, 1943.

Hon. John E. Townsend.

Dear Sir:-

I note your inquiry in regard to the probable constitutionality of the last sentence of that portion of L. D. 891, H. P. 1352, which is numbered "Sec. 38." The language is: "Whenever said bureau has reason to believe that any person is infected, etc." Although I might criticize the use of the language somewhat, it would be because it is slightly ungrammatical. The meaning is perfectly clear, it seems to me; and where it requires a reasonable belief, it does, in my opinion, overcome any objections that might be raised on constitutional grounds. If the language were arbitrary and gave the bureau power to do the things provided for in the sentence on simple belief without any restrictions, the courts might find it objectionable; but in this case the legislature has itself used specific language to guard against arbitrary, unreasonable beliefs.

I hope I have made my own meaning clear to you.

Very truly yours,

Frank I. Cowan
Attorney General

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