

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

In section 1 the words "they deem" in the next to the last line are ambiguous, in that they seem to refer back to the inmates, and I suggest that you edit the language somewhat.

I have added sections 5 and 6 to the Order. As I have written them, they read as follows:

"5. The time spent by the inmate, as herein provided, outside the confines of the institution shall be included in the time spent in serving his sentence, but any violation by the inmate of the terms of this order or any rules or regulations issued hereunto shall forthwith terminate the privileges extended to the inmate under the terms of this order.

"6. A failure of any inmate employed as herein provided to return at the required time to the institution to which he was sentenced (or in which he was being confined when he was extended the privilege of outside work under this order) shall be regarded as an escape."

Inasmuch as the State is endeavoring to assist in meeting an alleged man-power shortage, I cannot conceive that the question of union membership will be raised. Certainly the State cannot consent to the attaining of rights to control the activities of the inmates by any person except the duly constituted officials under whose control they are.

Inasmuch as union membership is in itself a special privilege and applies only to a very small part of the population of the State and to very few industries, I believe the question should not be raised in connection with these inmates who are loaned to industry by the State. We can very easily find ourselves getting into a situation where we seem to be taking other than an impartial attitude. Such a position is one that we, as State officials, should be careful to avoid, lest we be embarrassed later in our dealings with the people of the State.

I presume that inmates will be so employed that it will be unnecessary to hire extra guards to watch them. If such guards are necessary, there can, of course, be no advantage at all in issuing the order.

FRANK I. COWAN
Attorney-General

November 10, 1943

Harrison C. Greenleaf, Commissioner Institutional Service

In this same cover you will find comment on the proposed Executive Order. There is a possible objection to your farming out inmates of institutions, even when they sign a waiver of their rights to serve their sentences in jail and expressly ask for transfer to another place or another method of treatment. The State Prison, the State Reformatory for Men, and the State Reformatory for Women are penal institutions. In the absence of express statute, there is a very real doubt in my mind whether the Governor, under the terms of the Civilian Defense Act, can authorize a change in the place where a prisoner shall serve his sentence. Chris Roberts is very eloquently and forcefully calling to our attention the fact that penal statutes must be strictly followed.

Inasmuch as this suggestion does not apply to the State School for Boys and the State School for Girls, neither of which is, in our opinion, a penal institution, I am giving this as a separate memo.

FRANK I. COWAN

Attorney-General

November 10, 1943

Herbert E. Locke, Esq.
Depositors Trust Building
Augusta, Maine

Dear Herbert,

Your letter of September 7th in regard to abortions has been lying on my desk awaiting the day when I would have time to call you for discussion of the matter, as you suggested. In order that it may not seem to you that I have ignored your letter, I am taking this opportunity to make a brief reply.

1. *Abortion cases.* The county attorney should be notified in all cases. The day has not yet arrived when the doctors will have the burden of deciding whether or not the State is entitled to their honest coöperation. When they have evidence of crime, it is their duty to disclose it. They must not lose sight of the fact that they themselves are practising their profession by reason of a license from the State. . . .

Very truly yours,

FRANK I. COWAN

Attorney-General

November 10, 1943

Mrs. Alice S. Hawes, Clerk
Board of Registration of Nurses
54 Saunders Street
Portland 5, Maine
Dear Madam:—

I have your letter of November 10th. Our statutes do not provide for any appeal from a decision of the Board of Registration of Nurses cancelling or suspending a registration. Such an appeal would have to be in the form of an action brought in the courts.

Very truly yours,

FRANK I. COWAN

Attorney-General

November 10, 1943

George J. Stobie, Commissioner Inland Fisheries and Game

There is nothing in our statutes providing for dragging for the body of a drowned person. R. S. Chapter 38, Section 14, has to do only with the matter of search for a "lost" person.

The duty of searching for the bodies of persons known to have been drowned seems to be one that has not been taken away from the sheriff, whose office, as you know, is one of great historical importance