

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1943--1944

and turn it over to the department with which he is connected.

I think that by the amendment to which I have referred, the law has been sufficiently clarified so that there should be no misunderstanding as to the disposition of witness fees. In the cases where by rule or regulation the officer is required to turn the money over to his department, he understands the disposition to be made of these fees.

ABRAHAM BREITBARD

Deputy Attorney-General

March 15, 1944

Roscoe L. Mitchell, M. D., Director, Bureau of Health

I have your memorandum of March 8th asking for an interpretation of Section 187-B of the Public Laws of 1935, Chapter 83. The word "dormitory" which appears in said section can apply only to a building used primarily for sleeping quarters. The courts have permitted the word "dormitory," when used in a statute, to cover such a building, even though food may be prepared and eaten in one part of the building. The Missouri courts have extended the use of the word so that they have said that the fact that there are rooms used for athletic exercises does not bar the building in which these rooms appear as incidentals from being classed as dormitories.

Your question, "Would summer recreational camps operated by the Girl Scouts, Boy Scouts and similar organizations be included in the above exception and exempt from the license requirements, etc.?" said exemption being "dormitories of charitable, educational or philanthropic institutions," must, in the form in which the question is asked, be answered in the negative. A summer recreational camp may have dormitories and as a matter of fact the cabins or tents occupied by the patrons are such. When, however, as usually happens, there is a separate building for the preparation and serving of meals, that separate building comes within the provisions of the statute and must be licensed.

FRANK I. COWAN

Attorney-General

March 15, 1944

Hon. Sumner Sewall, Governor of Maine

I have the memo of March 9th asking in regard to the Judicial Council. This was set up by act of the Governor on May 20, 1932. Such a council had been recommended by the Association of Municipal Judges. Governor Gardiner reports that he consulted with the Chief Justice and others and as a result of the conference appointed eleven outstanding men of the State, headed by the Chief Justice. Under date of December 19, 1932, the Council made a report to the Governor suggesting that uniform jurisdiction among the municipal courts of the State be established and going further and recommending the establishment of a District Court system in the various counties. The recommendation further provided that the Chief Justice of the State should have general supervision of the work of the District Courts. Several other recommendations were made and several bills were submitted to

the 1933 legislature. One of those bills appears as Chapter 237, P. L. 1933, and made changes in the trial terms of the Superior Court in some of the counties. Another appears as Chapter 20, P. L. 1933, and authorized special sessions of the Superior Court for the transaction of civil or criminal business, or both, to be held in any county whenever the Chief Justice determines that the public necessity or convenience so requires.

The legislature of 1933 failed to pass a proposed act for setting up a permanent Judicial Council, but this was done by the legislature of 1935, as appears in Chapter 52 of the Public Laws of that year.

By Chapter 151, P. L. 1937, the act was amended by striking out the words "Chief Justice of the Supreme Judicial Court and one other justice thereof to be appointed from time to time by the governor," and inserting in place thereof, "attorney-general" and "one clerk of the judicial courts of this state." Otherwise the council is to be continued as originally set up with the Chief Justice as ex officio chairman.

I find in my file a memo from Attorney-General Burkett to Governor Barrows, dated November 15, 1939, in which he reviews the history of the Council and states that it has not functioned since the 1937 amendment.

Apparently there is a National Conference of Judicial Councils which holds annual meetings. I note in the file that in 1940 the National Conference was holding its annual meeting at the Mayflower in Washington on Wednesday, May 15.

The judicial reforms in this State which were put through fifteen years ago corrected many of the errors that were at that time in our system. The bills that were passed by the legislature of 1933 helped out a great deal more. Since that time there have been before the legislature at each session various bills for reforming or improving the court procedure. Several of these have been adopted.

While I believe that our court system is far from perfect, I seriously question the necessity of such a Council, to be added to the State's expense. The Association of Municipal Judges meets annually and discusses the problems with which they are confronted. The Supreme Court has several sessions a year, at which there is an opportunity to discuss questions that have become important. I have been informed that the Superior Court judges get together for a discussion of mutual problems. There exist, then, in these three groups of our judiciary, opportunities for consideration of problems in connection with the judicial system. If any matter becomes acute, the judges are in the best possible position for bringing that to the attention of the legislature.

You will note that everything that the Judicial Council accomplished was because of the activity of the judges themselves and that, those things being accomplished, the permanent Council lapsed into innocuous desuetude.

FRANK I. COWAN

Attorney-General