

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1945-1946**

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April 5, 1945

To David H. Stevens, State Assessor  
Re: Passamaquoddy Land Co. 4 N. Div., Hancock

I have your memo of April 3rd stating that the Board of Equalization of the State of Maine is required to file the so-called State valuation with the Secretary of State before December 1st of those years preceding a regular meeting of the legislature, and that on the basis of this valuation the legislature establishes a rate and authorizes the assessment of the State tax. You state that on December 11, 1944, the Passamaquoddy Land Co. deeded certain land to the State Military Defense Commission, and now the question arises as to whether or not the Passamaquoddy Land Co. is entitled to abatement for the taxes on this land for 1945 and 1946.

It is my opinion that the tax will be assessed as of April 1, 1945, and that the title to this land in question was at that time in a non-taxable agency of the State of Maine. For that reason my advice is: Assess the tax according to the State valuation, to keep your records straight, and then abate the taxes on this land for 1945 and 1946. . .

RALPH W. FARRIS  
Attorney General

April 5, 1945

To David H. Stevens, State Assessor

I received your memo of April 3rd relating to deorganized towns under acts effective March 30, 1945, stating that it is necessary for the county commissioners to have funds to maintain the roads in these deorganized towns for the year April 1, 1945 to April 1, 1946. You want to know, if the road taxes are included in the assessment of the taxes on the property in these deorganized towns by the State tax assessor and, following collection by that individual, paid over to the county treasurer by the State treasurer, would the county commissioners have authority to expend the funds on roads?

My answer to your question is that the county commissioners would have authority to expend these funds to maintain the roads in these deorganized towns for 1945 and 1946.

RALPH W. FARRIS  
Attorney General

April 9, 1945

To N. S. Kupelian, M.D., Superintendent, Pownal State School  
Re: Transfers to State Hospitals

Your memorandum of the 31st of March to the Attorney General has been referred to me. While the statute under consideration, Section 13 of Chapter 23, in the opening sentence provides that

"Any person who is committed to a state charitable or correctional institution, and is under the control of the department (Institutional Service), who becomes insane, or who is found to be insane by the examination authorized by the preceding section, shall be transferred to either of the state hospitals. . ."

we find further on that it proceeds in the second paragraph as follows:

"Such patient shall be there detained in custody in the same manner as if he or she had been committed thereto originally. The transfers authorized in this and the preceding section shall have no effect on the original sentences which shall continue to run, and if the original sentence has not expired when the patient has been declared ready for discharge or release, the patient shall be returned to the institution to which he or she was originally committed. . ."

It is further provided that where the patient is to be detained after the expiration of the sentence, then he must be recommitted upon application to the proper court in accordance with the sections of the statute therein quoted.

From these quotations it would appear that transfers may be made only from those institutions wherein the "patient" is serving a sentence. That, of course, is not the case of a person committed to the Pownal State School.

In view, then, of its doubtful application to Pownal, it would be best to have no question arise as to the legality of the patient's detention. The inmate should be committed to either of the State hospitals, by application to the proper court.

ABRAHAM BREITBARD  
Deputy Attorney General

April 9, 1945

To J. A. Mossman, Budget Officer

Re: Funds for Veterans Graves Registration Service

Answering your request for my opinion on the present effect of Chapter 284 of the Public Laws of 1939, I will say that Section 3 of Chapter 54, R. S. 1944, provides that each town, parish, religious society, etc., shall keep in good condition and repair the graves, headstones, monuments or markers of soldiers or sailors who have served in the United States Army, Navy or Marine Corps in any war. There is a penalty for neglect to maintain in good repair said graves and fences around said cemeteries. The only other provision of law now on our statute books relating to graves of soldiers is contained in Section 94, Chapter 80, R. S. 1944. This provides that every city, town and plantation is required to decorate the graves of veterans on Decoration Day, May 30th; and the cities, towns and plantations are empowered by this statute to raise sufficient money by taxation for this purpose.