

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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town of Minot had been maintaining one-half of the main span and both the smaller easterly spans and the Minot approach, and that therefore Minot should be the only town participating in the cost of this portion of the project.

On the basis of the foregoing facts you have requested an opinion from me.

It is my opinion that after the Town of Poland, through its municipal officers, petitioned the Commissioners of the county for reconstruction of this bridge under the Bridge Act, it is bound by the decision of the joint board and there is nothing in the statute which permits a breakdown of any part of the construction of the bridge. I am assuming that at the joint board meeting the estimated cost of the whole project was given and the State, county and towns' share was divided in proportion to the State valuation of the towns, as provided in the last sentence of Section 88 of Chapter 30, R. S. 1944, and that the town of Poland is bound to accept the apportionment of costs under the provisions of the Revised Statutes, regardless of the opinion of the municipal officers of Poland that the Town of Poland should not participate in the cost of the entire project. . .

RALPH W. FARRIS
Attorney General

August 29, 1945

To Harrison C. Greenleaf, Commissioner of Institutional Service

I have your memo of August 17, 1945.

Section 12 of Chapter 23 would not authorize a transfer from a penal or correctional institution to a state hospital for treatment of the inmate. Such transfer may only be made "for further study or observation of his mental condition." The inmate could be detained at the hospital for such time only as may be necessary to determine his mental condition. The evident purpose was to allow time for study and observation to diagnose and classify the particular case, especially where the disease is uncertain or obscure.

This view is quite clear from a reading of Section 13, which allows a transfer to a state hospital of a person "who becomes insane, or who is found to be insane by the examination authorized by the preceding section."

ABRAHAM BREITBARD
Deputy Attorney General