

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

It is my opinion that that provision was inserted by the legislature to protect people who are not in the lobster business and have purchased lobsters for home consumption and are transporting same from the market, and also after they have them in their possession at their homes, such lobsters having been legally purchased for family consumption. It does not give the right to any such person to go out and catch lobsters without a license for immediate consumption by himself and family. If the law were interpreted otherwise, it would open the door for everybody to set lobster traps.

RALPH W. FARRIS
Attorney General

February 25, 1947

To Harrison C. Greenleaf, Commissioner of Institutional Service

I return herewith the papers that you left with me this morning, namely, agreement which purports to be a compromise with an inmate of the State School for Girls, together with a letter from the lawyer who drafted the agreement, and his check for \$100 payable to this inmate. This agreement purports to be made with the acquiescence of her next friend and brother. The brother, however, cannot represent her in this matter, or act for her, and she, being a minor, cannot execute a valid agreement of compromise.

Under Section 86 of Chapter 23, your department is vested with all the powers of the person, property and education of every girl committed to the charge of the department, which parents have over their children. Consequently, no agreement can be made in her behalf without the department acting in that behalf. See *Harding v. Skolfield*, 125 Maine 438. The case cited also involved a girl who was then under the charge of the Trustees of Juvenile Institutions, that body then having the same powers as your department now has.

In cases of this nature, the process issues on complaint in the municipal court in which the putative father is arrested and gives bond for his appearance in the Superior Court where the writ is entered and then held in abeyance until the child is born, after which time a declaration is filed alleging the birth of the child. It is also essential, in order to maintain any action, that the complainant remain constant in her accusation and that upon inquiry during her travail she accuse the respondent as being the putative father of the child.

I mention these steps as it may require the services of an attorney in order to handle this matter properly, whether the case be prosecuted in court or settled out of court.

My suggestion would be that you take the matter up with LeRoy Folsom and let him handle it from now on. Thus the department will be protected as well as the inmate.

ABRAHAM BREITBARD
Deputy Attorney General