

MAINE STATE LEGISLATURE

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January 14, 1948

To N. S. Kupelian, Superintendent, Pownal State School

I have your memo of January 12th, stating that you have been confronted with a problem which you are referring to me for legal advice. You state that you admit patients to Pownal State School from other State institutions, such as the Reformatory for Men, the Reformatory for Women, the State School for Boys, and the State School for Girls. You further state that quite a number of these cases are being committed through the Probate Courts of the counties where these institutions are located, and you inquire whether you should enter on your books the county where the patients have their legal residence or the county from which they were committed.

In answer to your question I call your attention to Section 9 of Chapter 140, R. S., which confers jurisdiction upon Judges of Probate to probate wills, etc., of inhabitants or residents of their respective counties, and Section 154 of Chapter 23, which provides that whenever it is made to appear, upon application to the Judge of Probate for any county, after due notice and hearing, that any person resident in said county, etc., naming the several State institutions, or supported by any town, is a fit subject for the Pownal State School, such Judge may commit such person, etc. You can see that this confers jurisdiction which the Probate Judge exercises in the case which you submit on your sample form; and my advice to you would be to enter in your books the town or city of the legal residence of the inmate and also the county from which the inmate was committed by the Judge of Probate.

The commitment form which you mailed me takes the case of Jane Doe of Portland, Cumberland County, Maine. She is confined in the Reformatory for Women at Skowhegan in the County of Somerset. Under Section 154, the Superintendent of the Reformatory for Women petitions the Judge of Probate of Somerset County, sets forth all the facts and complies with the statute; and the Judge decides that the inmate of the Reformatory is a fit subject for the Pownal State School, and he enters a decree committing Jane Doe to the Pownal State School, which record will be on file in the office of the Registrar of Probate of Somerset County in Skowhegan, Maine.

I presume that the intent of the legislature in enacting this statute was to save the expense of travel of the Superintendent and State witnesses to Portland, Cumberland County, where such a person as Jane Doe resides and goes through the procedure of commitment from an institution so far away as Skowhegan. The statute provides that the application be made to the Judge of Probate in any county in these particular cases.

Ralph W. Farris
Attorney General

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