

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

February 9, 1949

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

I have your letter of February 3rd, stating that you are confronted with a problem concerning blood transfusions for children developing certain diseases. On several occasions some of your patients have volunteered to donate blood, but so far you have refused on the ground that you did not know how much authority you had to permit it.

Before taking blood from a patient I would have written permission from the legal guardian or close relatives. I would not permit taking blood from patients who have no relative or guardian in a position to give you written permission, so that in case anything should happen to cause the death of a patient, you would be legally protected. Otherwise you might be exposed to criticism.

There is no statute referring to this problem.

RALPH W. FARRIS  
Attorney General

February 9, 1949

To Russell W. Carter, Chief Accountant  
Re: Richmond-Dresden Bridge

You state that the cash position of this bridge, as of January 31st, was \$380 in the red, due to the fact that last summer the bridge was painted at a cost in excess of \$7000. You ask me whether you can use funds from your maintenance of bridges account.

This bridge is a part of the State highway system, and funds from your maintenance of bridges account can be used to take care of this deficit.

I understand that there is a bill pending in the legislature abolishing tolls on this bridge. If that goes through, the maintenance and operation of the bridge will be paid from the General Highway Fund, according to the language of said bill.

RALPH W. FARRIS  
Attorney General

February 23, 1949

To General George M. Carter, The Adjutant General  
Re: Land in Caribou

This department acknowledges receipt of your memo of February 10, 1949, relating to proposed lease of land to the State of Maine by the Town of Caribou for an armory.

You say that the municipal officers doubt their authority to deed this land, but are willing to give a lease, which you suggest should be for fifty years at least.

I find no authority which would allow the municipal officers to lease land of the town for any such term.

I therefore suggest that the matter be submitted to the inhabitants at the next town meeting by proper articles in the warrant or at a special town meeting, to authorize the conveyance of land to the State, which I understand they are willing to do, if the authority existed.

I would also suggest that the article contain a description sufficient to identify the land to be conveyed.

ABRAHAM BREITBARD  
Deputy Attorney General

February 23, 1949

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

I have your memo of February 18th relating to the damage to the New England Telephone & Telegraph Company's cable on the grounds of the Pownal State School, which cable was damaged when one of the boys was digging to take care of leakage in the steam pipe that extends from one of the dormitories to the temporary schoolhouse. This was repaired by the company, which has presented a bill of \$38.31.

The State is not responsible for this bill. The Telephone Company should mark where its cable is laid if it expects to prevent it from being damaged by excavations on State property. In other words, the property belongs to the State of Maine, and the company laid its cable under same at its own peril.

It is my opinion that the legislature does not want to be bothered with any trivial matter of this nature.

RALPH W. FARRIS  
Attorney General

February 24, 1949

To H. A. Ladd, Secretary, Maine Maritime Academy  
Re: Legal Services

Your memo of February 22nd received, stating that the Trustees of the Academy voted on February 18th to ask the Attorney General of Maine the following questions:

"1. The legality of expending state funds for the legal counsel which would be necessary to press the interests of the Maine Maritime Academy."

*Answer.* Under the provisions of Section 1 of Chapter 17, R. S. 1944, all legal services required by officers, boards and commissions in matters relating to their official duties shall be rendered by the Attorney General or under his direction.

"Said officers, boards, and commissions shall not act at the expense of the state as counsel in any suit or proceedings in which the state is interested."

Therefore under the direction of the Attorney General you may expend the funds of the Maine Maritime Academy for protecting the interests of the State.