

# 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**

In my opinion, if there is no provision in the contract for a change thereof, the contract will hold for its term, even though the teacher has, through additional work, fulfilled the requirements for three years of training and will be in the \$1600 legal minimum classification.

However, by mutual agreement between the teacher and the superintending school committee, under these circumstances, an amendment to the contract may be made, to be executed with the same formalities as the original contract, to be effective for the remainder of the term of the contract. There is no provision of statute which requires the superintending school committee, or entitles the teacher, to change the consideration in a contract that has been made for a definite period.

RALPH W. FARRIS  
Attorney General

April 19, 1949

To John H. Welch, Administrative Assistant, for Institutional Service  
Re: Transfer of Patient

I have your memo of April 18th with abstract of the history at the Augusta State Hospital and correspondence appertaining to this case between the U. S. Public Health Service and the Superintendent of the Augusta State Hospital, relating to the transfer of a patient from the U. S. Marine Hospital on Ellis Island, New York, to the Augusta State Hospital, where he was a former patient, having been finally discharged from said hospital on March 3, 1946.

You call my attention to Section 117 of Chapter 23 of the Revised Statutes of 1944, which provides that the Commissioner of Institutional Service may, upon the request of a competent authority of a State other than Maine, or of the District of Columbia, grant authorization for the transfer of an insane patient directly to a Maine State Hospital, etc.

It is needless to recite this section further, as the authority can come only from a State other than Maine or from the District of Columbia. There is no provision for the request to come from a federal agency, under this section.

Section 118 relates to accepting members of the armed forces of the United States who are residents of this State into either of the Maine State Hospitals.

It is my opinion that under this statute the Commissioner would not be permitted to authorize the transfer of this patient from the U. S. Marine Hospital to the Augusta State Hospital.

RALPH W. FARRIS  
Attorney General

April 19, 1949

To Honorable Frederick G. Payne, Governor of Maine

I return herewith letter of April 12th addressed to you by Harold R. Bulger, Jr., with my comments.

The statute in question is not so broad as Mr. Bulger states. A person riding or driving a horse has not the right of way over other vehicles on the