

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

Section 99-C provides that such rules and regulations formulated by the Board shall become effective 90 days after the date they are adopted, except that rules and regulations applying to the construction of new elevators shall not become effective until six months after the date they are adopted. Not having a copy of the rules and regulations which you have formulated, I cannot give you an opinion whether the regulations shall become effective 90 days or six months after their adoption.

In view of the fact that you have had a public hearing after suitable notice had been published in at least three daily papers in the State before these rules and regulations were adopted, the language of the statute which I have quoted, in Section 99-C, takes care of the effective date of said rules and regulations relating to elevators.

RALPH W. FARRIS
Attorney General

December 28, 1949

To Harold A. Pooler, M.D., Superintendent, Bangor State Hospital
Re: Commitment of Resident of one town by another town

I have your letter of December 27th, stating that you appeared before Justice Edward P. Murray on a writ of habeas corpus on December 27th and in reviewing the commitment papers the Justice advised that a ruling should be made by my office relating to the following:

"A person is in jail at Caribou. He becomes insane and has to be committed to Bangor State Hospital. His place of residence is Wade, Maine. A complaint is made by a Justice of the Peace at Caribou, and two Caribou doctors certify that he is insane. Must this complaint be sent to Wade, causing the Municipal Officers to serve papers to hold a hearing to complete commitment proceedings, or should the total proceedings for commitment be carried out in the town of Caribou, where the mentally ill person is confined?"

It is my opinion that under Section 105 of Chapter 23, the complaint should be made by a Justice of the Peace in the town where the insane person is found, and the doctors in that town can certify that that person is insane. The complaint need not be sent to the town of the person's residence. A Justice of the Peace has jurisdiction in all counties and all towns, and the municipal officers have jurisdiction in a town to inquire into the condition of any person in said town alleged to be insane. If this were not so, a person might be found in a town, alleged to be insane, and the Justice of the Peace and the municipal officers might not know his residence. Therefore in my opinion Judge Murray was correct in stating that the hearing should be held in the town where the person is found rather than to require the person to be transported to another town. Your letter was very clear, and when I see Judge Murray in Bangor I will talk this matter over with him.

This question comes up often in small towns, where a person is found in said town to be insane, and the municipal officers thereof sometimes, knowing where the person resides, try to get him into his own town and have the officers there make the complaint; but they have no legal right to seize a man alleged in one town to be insane and take him to another town and try

to force the municipal officers of that town to constitute a board of examiners to inquire into the condition of said person, even though it is the town of his residence. It is the duty of the municipal officers of the first town, when a person is found insane therein, to take action upon a complaint and make commitment from that town. . . .

RALPH W. FARRIS
Attorney General

December 30, 1949

To Marion E. Martin, Commissioner of Labor and Industry
Re: Revenues from the Elevator Law, Chapter 374, P. L. 1949

I have your memo of December 29th, quoting Section 99-K relating to the dedication of revenues and also Section 99-G relating to examination of inspectors, providing for the payment of a fee of \$10. You propound the following questions:

"1. Does the supervising inspector collect the \$10 examination fee provided in Section 9-G as he does the other fees set forth in 99-K?"

Answer. Yes. The fees should be collected by the supervising inspector and deposited with the Treasurer of State to be credited to the Department of Labor and Industry as set forth in Section 99-K.

"2. Can the funds from the examinations be dedicated to the Department of Labor and Industry?"

Answer. It is unnecessary. It is taken care of by the answer to Question 1.

"3. Can the dedicated funds in Section 99-K be used for the expenses of the Board of Elevator Rules, printing of the rules, office supplies, telephone, etc., in connection with the administration of this bill?"

Answer. The last paragraph of Section 99-K provides that the fees shall be used solely to defray the expenses of elevator investigations and inspections and are hereby appropriated for such purposes. The commissioner may incur such expenses as may be necessary to carry out his duties in investigating, inspecting and causing to be inspected such elevators; therefore it is my opinion that the statute is broad enough to cover these items in Question 3.

RALPH W. FARRIS
Attorney General

January 4, 1950

To Harland A. Ladd, Commissioner of Education
Re: Sections 201 and 204 of Chapter 37, R. S. 1944, as amended

I have your memo of January 2d, stating that paragraph 2 of the former provides in part as follows:

"Whenever any certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the commis-