

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

February 1, 1950

To Norman U. Greenlaw, Commissioner of Institutional Service
Re: Settlement - Holden Turner

I have your memo of January 24th, stating that on November 30, 1948, your department authorized the admission of Dorothy W. Turner, wife of Holden Turner of Mount Vernon, to the Central Maine Sanatorium. You further state that the patient is approximately twenty-one years of age and that the family consists of four children ranging in age from one month to four years. Mr. Turner was born in Rome, Maine, on October 22, 1924. Patient's application states that her husband earns \$20-\$25 a week, working in the woods, etc., which makes it obvious that he would be unable to assume the obligation of paying for his wife's sanatorium treatment.

You further state that you have contacted the town of Mount Vernon on various occasions in an effort to have Mr. Turner's legal settlement established and have the town accept responsibility, but have been unable to get any reply by letter or telephone. Further check indicated that possibly Rome might be the place of settlement, but the chairman of the board of selectmen denies this, on the ground that "before his marriage he took his father's settlement and he was 19 years when married so at that time he became emancipated from his father and lived with his wife in Mt. Vernon so I guess it belongs to Mt. Vernon to take care of the bill."

You state that you do not interpret emancipation to mean when a man marries, nor do you figure that he literally becomes of age when he marries, but rather when he reaches the age of twenty-one and that he can then start to acquire a legal settlement in his own right, but until that acquisition is made, would have the settlement of his father, if he had one. In that case you feel that Holden Turner would, until October 22, 1950, hold the settlement in Rome which he derived from his father.

In order that you may attempt to collect from the town of settlement, you ask my opinion whether Rome or Mount Vernon is liable.

Since the law permits the marriage of minors with their parents' consent, parental rights must necessarily yield to the new obligations and rights arising from the marriage relation. When a man marries and founds a new family he assumes new obligations and duties. When these new obligations and duties conflict with former ties, they must, in the interests of society and the family relation, be paramount. In other words, legal rights between husband and wife are superior to those between parent and child. Therefore it is my opinion that the marriage of Holden Turner emancipated him from his parents and that if he has resided in Mount Vernon since his marriage when he was 19 years of age, his legal settlement would be Mount Vernon, as that would mean that he had resided there for more than six years and had raised a family. This is a question of fact. Our court held in Lowell v. Newport, 66 Me. 78, that emancipation may be by marriage, death, misfortune or agreement.

RWF:c

Ralph W. Farris
Attorney General

See also Thomaston v. Greenlaw, 106 Me. 245