

# 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**

October 20, 1950

To E. L. Newdick, Chief, Division of Plant Industry, Agriculture  
Re: Certified Seed

I have your letter of October 19th asking for an opinion as to whether or not the Department of Agriculture has the right to certify seed grain under Chapter 27, R. S. 1944, Sections 124-129, as amended by the Public Laws of 1945.

The definition of certified seed, as used in Chapter 27, is that it shall be deemed to mean potatoes or such vegetable seeds as shall have been grown and prepared for sale in accordance with regulations laid down by the commissioner and for which a certificate or tag has been issued as provided in section 127; and of course the commissioner has authority to make all reasonable rules and regulations under this chapter.

It is my opinion that oats would not come within the meaning of this definition of vegetable, but would be classed as a cereal, with barley, rye, etc. However, beans might come within the meaning of vegetable seeds. To be safe, I would prepare an amendment to Section 124, if it is desirable to take on seed grains such as barley, oats, rye, etc.

RALPH W. FARRIS  
Attorney General

October 19, 1950

To Norman U. Greenlaw, Commissioner of Institutional Service  
Re: Legal Protection of Patients

I have your memo of October 2nd, enclosing copy of memo also dated October 2nd to you from Dr. Harold A. Pooler, Superintendent of the Bangor State Hospital, to which he attached an excerpt from the Waterville Sentinel relating to the trial in the action of Edward Hunter of Skowhegan against Zoe Goodness Dore of Skowhegan and the Skowhegan Savings Bank, Trustee, that opened on Wednesday afternoon of that particular week.

When an action is brought against a patient or an inmate of any of our State institutions, the case is not properly before the court until notice has been given by service on the patient or the superintendent of the institution where said patient or inmate is confined; and when these papers are served, either on the patient or the superintendent, they should be forwarded immediately to the Commissioner of Institutional Service who in turn should refer them to the Attorney General's office. The Attorney General enters his appearance or provides counsel for the patient and sees that the State's interest is protected, when such papers are referred to him.

I cannot see how the case in question could have been heard in the Superior Court in Skowhegan if proper service was not made on the patient in the Bangor State Hospital, who was the principal defendant. The Skowhegan Savings Bank was trustee in this action because it held the funds on deposit. It is possible that the trustee provided counsel for Mrs. Dore.

In all services of papers the hospital authorities should make a notation on the patient's record in the office that certain papers were served on the patient or the superintendent of the hospital, the nature of the legal documents, and reference of same to the Commissioner of Institutional Service with the dates. The Commissioner in turn will refer the papers to the Attorney General or his Deputy.

The appointment of a guardian is sometimes given by publication and the patients are not served, but the superintendent of the institution or this office is usually advised by the attorney who petitions for such appointment.

I do not believe that any Superior Court Judge in this State would hear a divorce without the return of the officer that service had been made upon a patient confined in either of the State Hospitals. I have had several divorce papers forwarded to my office by Dr. Tyson since I have been Attorney General.

You may advise Dr. Pooler that insanity is not a cause for divorce in this State and that the statutory causes for divorce alleged must be proven before the court.

During my experience no judge has ever heard a divorce case without proper legal service having been endorsed on the writ by the deputy sheriff.

Of course we could have a statute enacted at this coming legislature that the heads of all institutions shall make a record of all papers served on patients committed to their care and shall refer all papers served upon patients or upon heads of institutions to the Attorney General who is attorney for the institutions under the statute.

If a guardian has not already been appointed for Zoe Goodness Dore of Skowhegan, who is now an inmate of the Bangor State Hospital, it would be proper for Dr. Pooler to have an attorney apply for his appointment as guardian of her estate and then the money now in the Skowhegan Savings Bank will be transferred to the name of the guardian. In that way these relatives and friends cannot get it away from her, and the State's interest will be protected.

I am sorry I have been late in answering your memo, but I have been pressed with court cases and have been absent from the State House since your memo arrived.

RALPH W. FARRIS  
Attorney General

October 26, 1950

To the State Highway Commission  
Subject: Traffic Survey

Pursuant to the request of the Governor and Council, I have studied the laws of the State relative to the right of the State Highway Commission to undertake to cause a traffic survey to be made for future highway purposes between the city of Portland, Maine, and the city of Bangor, Maine.

It is understood that the purpose of such traffic survey is to assist in determining the feasibility of extending the Maine Turnpike beyond its present terminal at Portland, Maine, to points to be determined as a result of the survey, or, if the survey so indicates, to plan for or provide for other highway construction between the two mentioned points.