

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.