

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

those voluntarily serving are equally well protected. Since a person enlisting is protected, there would appear to be no reason why one re-enlisting should not be equally well protected.

JOHN S. S. FESSENDEN  
Deputy Attorney General

May 22, 1951

To Jerome Burrows, Esquire, City Solicitor of Rockland

. . . On May 16th, at your suggestion, the City Clerk of Rockland called this office to inquire as to the propriety of committing an insane person to a State hospital on the authority of an osteopath.

Under date of October 7, 1942, the then Attorney General, Frank I. Cowan, in a similar case analyzed the then existing statutes with respect to the commitment of insane persons and came to the conclusion that they could not be committed on the authority of osteopathic physicians. Since the date of Mr. Cowan's opinion, Chapter 313 of the Public Laws of 1945 has been enacted, which chapter amends the laws applicable to osteopathic physicians. The amendment specifically refers to the "signing certificates for committing persons to state institutions" and with respect to the matters covered by the statute places osteopathic physicians upon the same basis as "physicians of other schools of medicine."

It is therefore our opinion that, although Section 114 of Chapter 23 of the Revised Statutes has not itself been amended, nevertheless under the provisions of Chapter 313 of the Public Laws of 1945 persons may be committed to an institution for the insane on the authority of osteopathic physicians.

In view of the provisions of Chapter 313 of the Public Laws of 1945, Mr. Cowan's opinion of October 7, 1942, is no longer an authoritative advisory opinion of this office. . .

JOHN S. S. FESSENDEN  
Deputy Attorney General

May 22, 1951

To the Maine Real Estate Commission  
Re: Irrevocable Consent

We have studied your memorandum of May 17, 1951, in which you ask what length of time an irrevocable consent filed by an out-of-state applicant remains in force.

In reply you are advised that an irrevocable consent, contemplated by the laws applicable to those engaged in the real estate business, would undoubtedly remain in force during the entire statutory period within which an action could be brought against the individual filing the same for any transaction arising out of his conduct of business in this State from and after the date that such consent was filed. Normally, this statutory period is six years from the time the transaction takes place.