# 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.

In order to protect the people of this State satisfactorily, it is recommended that when an out-of-state broker has failed to renew his license and is required by the Commission to file a new application, under such circumstances such out-of-state broker should be required to file a new irrevocable consent.

JOHN S. S. FESSENDEN
Deputy Attorney General

May 23, 1951

To R. A. Derbyshire, D. D. S.

. . . Reference is made to your letter of May 19, 1951, relative to a graduate of Dalhousie University, Halifax, Nova Scotia, who has been admitted to the practice of dentistry in New York and has practiced there for a period of five years. You inquire whether or not he may be admitted to practice in this State upon such examination as the Board may determine he should take. In your letter you state that Dalhousie University has not been approved as yet by the Council of Dental Education.

In reply you are advised that the Board may accept him as an applicant for admission to the practice of dentistry in the State of Maine, to take such examination as the Board may determine to be necessary, for the reason that in the absence of evidence to the contrary it would be assumed that the educational standards of the State of New York would be the equal of the educational standards of the State of Maine.

You will recall that within the last two years the question was raised whether or not a graduate of the Dental School of McGill University should be allowed to take the examination for the practice of dentistry in the State of Maine, the question involved being the fact that the Council of Dental Education of America had failed to rate McGill University. At that time it was developed that the Council had also failed to rate Harvard and Columbia. How many other dental schools the Council had failed to rate we do not know. If we are to continue to be confronted with the problem of graduates from known and recognized universities, over eligibility to take the examination for admission to the practice of dentistry in the State of Maine, by reason of the failure of the Council of Dental Education of America to act, it simply means that, for the purposes of Chapter 66 of the Revised Statutes of 1944, the value of the Council of Dental Education of America to the State of Maine is equivalent to its having ceased to exist, whereupon it becomes the duty of the Board of Dental Examiners to proceed to make its own ratings. . .

JOHN S. S. FESSENDEN
Deputy Attorney General

May 31, 1951

To A. D. Nutting, Forest Commissioner
Re: Pipe Line Lease

Reference is made to your letter dated May 28, 1951, requesting an opinion of the Attorney General relative to your authority to grant permits to the