

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

purposes, defined the period of World War II as being from December 7, 1941 to July 25, 1947.

The amendment by our 1951 Legislature of Chapter 360 of the Public Laws of 1945, as seen in Chapter 157 of the Public Laws of 1951, in making the dates during which veterans may be awarded preferences for Maine examination purposes coincide with the dates which the Federal Government has set in which veterans applying for Federal Civil Service positions may be granted preferences, has in effect extended the period in which veterans in the State of Maine will be given preferences for having served in the Armed Forces from December 31, 1946 to July 26, 1947.

This office can find no law amending Chapter 360 which would grant to veterans of the Korean campaign any such preferences as are granted to veterans of World War II. The only amendment to Chapter 360, which is the preference statute, is that above quoted, which added the words, "for civil service employment purposes," to subparagraph V.

In answer to your question, then, it is our opinion that veterans of the Korean War have no preference in State employment.

No doubt this matter should be given attention during the next session of the legislature.

JAMES G. FROST
Assistant Attorney General

March 17, 1952

To Norman U. Greenlaw, Commissioner of Institutional Service
Re: Legality of Commitment Papers signed only by Register

On March 12th you sent to this office a copy of a memo to you from Dr. Pooler, Superintendent of the Bangor State Hospital, inquiring as to the legality of certain commitment papers.

He states that the paper in question is the original and that it is not signed by the Justice of the Probate Court but merely by the Register of Probate. He questions the legality of the paper without the signature of the Judge of Probate.

Dr. Pooler's point is well taken. Section 109 of Chapter 374, P. L. 1951, states that the Probate Judges shall have jurisdiction to commit, after hearing, to certain designated State and Federal institutions. This power is conferred only upon the Judges of Probate. They have no right to delegate this power to their respective Registers, nor can the Registers act in behalf of the Judges of Probate, there being no statute allowing same.

To protect the rights of all parties, and to conform strictly to the statute that governs the commitment of the mentally ill, it is our opinion that the commitment papers, under the above circumstances, should be signed by the Judge of Probate. This will show to any person or court that the Judge was the party who heard the case and ordered the person committed, and that it was not some other person who had no legal right or power to commit the mentally ill.

ROGER PUTNAM
Assistant Attorney General