

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

It will be noted that the first paragraph of Section 104 has particular reference to grades or curves, that the third paragraph relates to passing at steam or electric railway grade crossings and at intersections. Similarly the fourth paragraph deals with curves or grades.

Returning to paragraph 2, we find that this provision does not pertain only to hills, curves, grades or grade crossings or intersections, but is preceded by the words, "In every event." It is our opinion that the construction of this section, looking at all four paragraphs and giving consideration to the wording of those paragraphs, particularly the words, "In every event", would lead us to only one conclusion and that is that paragraph 2 relates to the passing of motor vehicles on any stretch of road without regard to its contour or grade.

JAMES G. FROST
Assistant Attorney General

March 25, 1952

To N. S. Kupelian, M. D., Superintendent, Pownal State School
Re: "Nearest Relative or Guardian"

Receipt is acknowledged of your letter of March 20, 1952, in which you state that a sister is interested in the eugenic sterilization of a patient in your institution. You state that the patient has a mother but that her whereabouts are unknown, and you ask if the sister is the proper person to sign the eugenic sterilization paper.

Sections 158 et seq. of Chapter 23 are those sections controlling sterilization and speak of "nearest relative or guardian".

Where the mother is living, we believe that she is the nearest relative; but that if her whereabouts cannot be ascertained, then the sister may be the proper person to sign the papers, if she is the legal guardian of the patient. It is our opinion that in the absence of the mother, the sister should be made a legal guardian and not a natural guardian with respect to authority to sign sterilization papers.

JAMES G. FROST
Assistant Attorney General

March 25, 1952

To Earle R. Hayes, Secretary, Maine State Retirement System
Re: Employees handling School Lunch Programs

We have your memo of March 11, 1952, in which you inquire about the status of employees in school lunch programs and to which you attached for our information an opinion from the Collector of Internal Revenue.

The effect of the ruling of the Collector of Internal Revenue is that such persons are employees of the town and hence not eligible for Social Security coverage, so far as the Internal Revenue Bureau itself is concerned. He states that such services are excepted from employment by reason of the pro-