

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

incorporated by the legislature, which could make it a body politic and a political subdivision of the State.

ROGER A. PUTNAM
Assistant Attorney General

October 22, 1953

To Harold A. Pooler, M. D., Superintendent, Bangor State Hospital
Re: Transfer of Patients to Veterans' Hospital

This is in answer to your inquiry of yesterday relative to the transfer of patients from your institution to the Veterans Administration hospital at Togus.

A search of the statutes discloses that subparagraph III of Section 18 of Chapter 230 of the Public Laws of 1949, known as The Uniform Veterans' Guardianship Act, provides that under certain conditions a patient at a State institution may be transferred for care and treatment to an agency of the United States or, more specifically the Veterans' Administration. This statute provides that upon effecting any such transfer the committing court or proper officer thereof shall be notified thereof by the transferring agency. The transferring agency in this instance would be the Bangor State Hospital, and this condition must be complied with.

Relative to the question of the original commitment papers, there is no provision in the law specifically covering it; but it would be the opinion of this office that the original papers should always be at the institution where the patient resides. In this case I would suggest that you keep certified or true copies of these papers for your files.

I would also suggest that you get some sort of receipt from the committing court or officer to prove that you have complied with the statute.

The question may be raised that commitment to the Veterans Administration hospital is not commitment under the original papers, in that it is not the hospital designated in the commitment papers. This, again, is covered by the above cited section of Chapter 230, P. L. 1949, in that it provides that any person transferred to an agency of the United States will be deemed to be committed pursuant to the original commitment.

ROGER A. PUTNAM
Assistant Attorney General

October 30, 1953

Hon. Burton M. Cross, Governor of Maine
Re: Commission to Revise Probate Rules

Section 49 of Chapter 140 of the Revised Statutes of 1944 provides in part as follows:

"The governor may at any time, upon the request in writing of a majority of the judges of the courts of probate and insolvency, appoint a commission composed of 3 judges and 2 registers of probate, who may make new rules and blanks, or amendments to existing rules and blanks,