

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

OPINIONS

January 2, 1957

To Labor and Industry

Re: Dairies

This is in response to your memo referring to our opinion relative to whether or not a farm dairy was included within the phrase, "Manufacturing and mechanical establishment" category of Section 23 of Chapter 30, R. S. 1954.

In that memo we advised that we were of the opinion that such dairies were not within the term, "manufacturing establishment," but did not indicate whether or not such dairies were within the term "mechanical establishment." You now inquire if farm dairies are included within the latter term.

Answer. No.

The inclusion of the word "dairy" in Sections 30 and 32 of Chapter 30, in addition to the words, "manufacturing, mechanical or mercantile establishments," is a clear indication that the legislature believed that dairies were not included within the terms, "Manufacturing and mechanical establishments." Such inclusion is an additional reason for believing that dairies are not included within the terms as distinguished in our prior opinions that dairies are not mechanical establishments, because milk is both the original product and the final product of the process and no new product results from the treatment of the milk.

JAMES GLYNN FROST
Deputy Attorney General

January 7, 1957

To Gerald M. Rosen, Secretary, Chiropody Association

Re: Prescription of Narcotics

. . . You state that it is the desire of your Association that chiropodists may legally prescribe narcotics.

You ask, if the word "external" were deleted from Section 10 of the present law, whether it would then be legal for chiropodists to prescribe narcotics, provided, of course, that the individual had a federal narcotic license, or whether it would be necessary to include a definite statement in your law to the effect that narcotics could be prescribed.

We are of the opinion that it would be necessary to have an express statement in the law before you could properly prescribe narcotics in carrying on the practice of podiatry.

We would also draw your attention to Section 39 of Chapter 68 of the Revised Statutes of 1954, which section deals with the professional use of narcotic drugs and expressly states those persons who may prescribe and dispense narcotic drugs. We would suggest that this section be considered for amendment along with an express statement in the chapter on podiatrists.

JAMES GLYNN FROST
Deputy Attorney General