

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

July 11, 1957

To: Norman U. Greenlaw, Commissioner of Institutional Service

Re: Section 105, Chapter 27, Revised Statutes of 1954  
Commitment-Emergency Certificate

We have your memorandum of July 1, 1957, with regard to the point of time from which the fifteen days mentioned in Section 105, Chapter 27, Revised Statutes of 1954, are to be counted. That section provides as follows:

“Emergency cases: Pending the issue of such certificate of commitment by the municipal officers, such superintendent may receive into his hospital any person so alleged on complaint to be insane, provided such person be accompanied by a copy of the complaint and physicians’ certificate; which certificate shall set forth that in the judgment of the physicians the condition of said person is such that immediate restraint and detention is necessary for his comfort and safety or the safety of others; and provided further, that unless within 15 days thereafter said superintendent shall be furnished with the certificate of commitment hereinbefore provided for, the detention of such person shall cease. Said municipal officers shall keep a record of their doings and furnish a copy to any interested person requesting and paying for it.

In addition to the certificate of commitment, a statement of facts under oath in regard to the financial ability of such patient, or of any of his relatives legally liable to pay for his support, shall be furnished the superintendent of the hospital.”

We are of the opinion that the term “within 15 days thereafter” is to be determined from the day of the admission of the patient under the emergency certificate signed by the physicians who have certified that the patient requires immediate restraint and detention for his comfort and safety and for the safety of others.

ROGER A. PUTNAM  
Assistant Attorney General

July 15, 1957

To E. L. Newdick, Commissioner of Agriculture

Re: Stipend Fund

We have your memo of June 25, 1957, in which you ask for an opinion relative to L. D. 1062 (now Chapter 391 of the Public Laws of 1957), being an Act relating to pari-mutuel horse racing and the stipend fund.

The section in question is Section 1 of the act and reads as follows:

“One-half of the amounts contributed under the provisions of section 14 of chapter 86 and section 13 of chapter 87 shall be divided for reimbursements in equal amounts to each recipient of the stipend fund which conducts pari-mutuel racing in conjunction with its annual fair if said recipient has improved its racing facilities and has met the standards for facility improvements set by the Commissioner of Agriculture for said recipients. If a recipient has not complied with the individual standards set by the Commissioner said yearly reimbursements

shall be paid in equal amounts to those recipients which have met such standards.”

With respect to this section you ask, “Must this new money be spent to improve racing facilities only, or can the money be spent for facility improvements other than racing?”

It is our opinion that the money should be spent for improvement of both racing facilities and other facilities which are controlled by the Commissioner of Agriculture. The money cannot be spent to improve racing facilities only. It must be spent in both categories, racing facilities and such facilities as come within the control of the Commissioner of Agriculture.

JAMES GLYNN FROST  
Deputy Attorney General

July 17, 1957

To Harvey H. Chenevert, Executive Secretary, Milk Commission

Re: Central Dairymen’s League Project

We have examined the project of the Central Dairymen’s League, Washington County, in order to determine, at your request, whether such project violates the Maine Milk Commission Law.

The Central Dairymen’s League has announced a contest from June 24 to July 24 where the contestants having the greatest number of licensed dealers’ bottle-caps would be awarded prizes, the first prize being a saddle horse, and the second and third prizes bicycles.

Chapter 33, Section 4-VI reads in part as follows:

“No method or device shall be lawful whereby milk is bought or sold at prices less than the scheduled minimum applicable to the transaction whether by any discount, rebate, free service, advertising allowance, combination price for milk with any other commodity or for any other consideration.”

An examination of the statute leads us to the conclusion that the contest does not violate the above quoted provision of law.

It can be seen that the milk bottle-cap of a licensed dealer would entitle one to participate in the program, not so far as the dealer is concerned; he is not, because of the transaction, selling his milk below the scheduled minimum. He is getting his price, regardless of the value the League may place upon the bottle-cap.

In order that a person be in violation of the statute, it must be proved that that person is buying or selling milk at prices less than the scheduled minimum. The League is not buying or selling milk. It is offering prizes for the greatest number of bottle-caps. The individual licensee is not in violation because, from the facts supplied us, he is still selling his milk at the regular price.

For the above reasons we are of the opinion that the contest being run by the Central Dairymen’s League does not violate Section 4-VI of Chapter 33.

JAMES GLYNN FROST  
Deputy Attorney General