

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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The statement that you have sent to me is not a contract, but merely a promise to do an act in the future. If this were a contract, the officers of the town apparently have no authority to execute it, unless authorized at a town meeting. I do not find anything in Chapter 37 that would authorize the Commissioner to enter into such a contract. Therefore, in the absence of authority to enter such a contract, it would not be binding on the Town of Pembroke.

GEORGE A. WATHEN
Assistant Attorney General

May 13, 1959

To: Peter W. Bowman, M. D., Superintendent of Pineland Hospital & Training Center

Re: Legality of Marriage of Mental Patients

We have your memo of March 30, 1959 in which you ask for a ruling on the legality of marriage in the case of a Pineland Hospital patient; the patient having been married while on a trial visit, age 19 years, Wechsler-Bellevue FIQ 74.

Chapter 166, section 2 of the Revised Statutes of Maine provides that no insane or feeble-minded person or idiot is capable of contracting marriage. Section 51 further provides that any such marriage solemnized in this State is absolutely void, without legal process.

Under such circumstances, where marriage is void without legal process, there is, of course, no way of having such fact recorded. If, as you indicate, you would like something for recording at the Bureau of Vital Statistics, perhaps section 52 of chapter 166 could be used —

“When the validity of a marriage is doubted, either party may file a libel as for divorce; and the court shall decree it annulled, or affirmed according to the proof; but no such decree affects the rights of the libelee, unless he was personally notified to answer or did answer to the libel.”

JAMES GLYNN FROST
Deputy Attorney General

May 18, 1959

To: John B. Nichols, Inspector, Aeronautics Commission

Re: Registration of Aircraft Leased to Residents by Out of State Owners.

We have your memo of February 18, 1959, in which you ask if our present law is sufficient to demand registration of aircraft operated by a Maine resident, which aircraft is leased by such resident from out of state companies whose business is the leasing of aircraft.