

# 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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Form B, excluding the clause relating to anesthetics, would seem to be a sufficiently broad consent along the lines of form 10; 1523, found in Am. Jur. Legal Forms Annotated.

It would seem that the administration of anesthesia and other necessary ministrations incident to an operation would be consented to in a broad general consent. Including specifically the additional consent to application of anesthesia might cause a court to construe the consent as being limited to the things mentioned in the consent. If it is insisted that the anesthesia clause be included, we would recommend also including the following paragraph:

“Realizing that an operation by modern methods requires the cooperation of numerous technicians, assistants, nurses, and other personnel, I give my further consent to ministrations on the said \_\_\_\_\_ by all such qualified medical personnel working under the supervision of Dr. \_\_\_\_\_ before, during, and after the operation to be performed.”

Very truly yours,

JAMES GLYNN FROST  
Deputy Attorney General

June 11, 1959

To: The Honorable Joseph T. Edgar  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine

Dear Mr. Edgar:

With reference to your oral request for an interpretation of the term “two-thirds of the members elected to each House” as that is used in Article IV, Part Third, Section 16 of the Constitution, as being the vote required to pass emergency legislation, your question arises as a result of vacancies in the House caused by death — these seats remaining unfilled.

We are of the opinion that the term “members elected” means the total members originally elected to the Ninety-Ninth Legislature. The phrase requires all members elected to be taken into account whether present or not. (*Pollasky v. Schmid*, 128 Mich. 699; *Clark v. North Bay Village* (Florida), 54 So. 2d 240; Cooley’s Constitutional Limitations at Page 291; Law and Practice of Legislative Assemblies — Cushing, Section 261, Page 100; and Mason’s Manual of Legislative Procedure, Section 512 at Page 352.)

Very truly yours,

FRANK E. HANCOCK  
Attorney General