

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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It is my opinion that China is liable for the tuition of this child.

Section 108, Chapter 41, contemplates one administrative unit sending pupils to another unit, an academy, or institute and not when there is a dispute as to the residence of a child. When two units are in dispute as to the factual determination of the residence of a pupil, the proper recourse is to the courts and not substitute the opinion of this office for a court determination.

GEORGE A. WATHEN
Assistant Attorney General

January 4, 1960

To: Perry D. Hayden, Commissioner of Mental Health and Corrections

Re: Escapes

We have your memorandum of December 23, 1959, in which you ask:

“When an inmate escapes from the Reformatory for Men and upon apprehension is tried for escape on complaint of the Superintendent of the Reformatory for Men, and is then committed to the Maine State Prison for escape, what becomes of the initial sentence he was serving at the time he made his escape?”

There are several statutes relating to escape from penal institutions. However, there is one which relates directly to escapes from the Reformatory for Men — Chapter 27, Section 73, Revised Statutes of 1954. We interpret Section 73 to mean that upon the escape of an individual from the Men’s Reformatory, alternative action may be taken against him: 1. Transfer upon recommendation of the Commissioner to the State Prison where he shall serve the remainder of the term for which he might otherwise be held at the Reformatory or 2. At the discretion of the Court he may be punished by imprisonment at the State Prison for any term of years. If the latter alternative is taken, it appears to us that the original sentence to the Reformatory for Men is no longer considered. In all probability the Court would, in considering the sentence to be imposed for the escape, take into consideration the time left to be served at the Reformatory and include it in the sentence to the prison.

JAMES GLYNN FROST
Deputy Attorney General

January 5, 1960

To: Kermit Nickerson, Deputy Commissioner of Education

Re: Vocational Rehabilitation

I have your request for an opinion regarding an alleged conflict between Section 195-A, Chapter 41, and Section 195-E, Chapter 41, as enacted by Chapter 286, Public Laws of 1959.

Section 195-A states:

“. . . Subject to the approval of the State Board of Education, the executive officer of the state board shall make such rules and regu-