

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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ment of the person, witnessed by the spouse or parent or municipal officers where the person resides and approved by a judge of the Superior Court or Probate Court.

Section 169 relates to investigation of progress of the patient and release.

The heading of Section 167 reads "Persons suffering from the use of opiates committed to general hospital." Although the bold print heading is no part of the law, it would appear to be a criteria for ascertaining the intent of the legislature.

Sections 95-102, Chapter 27, relate to the establishment and operation of the state hospitals for the mentally ill. The powers and duties of the superintendent are set forth therein. The statute also prescribes the patients to be admitted thereto. There is nothing in the sections heretofore mentioned that authorize the admission of persons suffering from the use of drugs unless such person is also mentally ill. Section 95, Chapter 27, provides that these hospitals are maintained for the mentally ill. It is not a hospital in the popular concept of the word — much less a general hospital.

It is, therefore, my opinion that you have no authority to admit persons suffering from opiates to the State mental hospital unless they are otherwise committed under the provisions of Chapter 27.

Very truly yours,

GEORGE A. WATHEN
Assistant Attorney General

May 17, 1960

Allan L. Robbins, Warden
Maine State Prison
Thomaston, Maine

Dear Allan:

We have your letter of May 11, 1960 in which you state that _____, who was committed to your institution for life on November 3, 1959, requests permission to marry his common-law wife, and in which you ask our ruling with respect to _____ request.

Now that the statutes which declare the person civilly dead upon being sentenced to life imprisonment have been repealed, we are of the opinion that _____ position is no different than that of other prisoners with respect to his right to enter into a contract. We would, therefore, refer you to our opinion dated August 7, 1956, which opinion stated that with the approval of the warden such marriage ceremony could be performed within the confines of the prison.

Very truly yours,

JAMES GLYNN FROST
Deputy Attorney General