

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

the town where he had a legal settlement but (4) if no legal settlement from the state.

You mention in your memo section 135 as requiring the probate court to certify the proposed patient's inability to pay for his support.

Answer: Section 135 was written at the time the law provided for commitment by the municipal officers of a city or town. The probate court had concurrent jurisdiction with the municipal officers to commit mentally ill persons. The only other persons having jurisdiction to commit were two justices of the peace. The new law removes this duty from such officials and places the responsibility upon the probate court when judicial procedure is necessary.

Therefore, it would appear that the phrase "or any officers with like power to commit" must apply to a probate court judge. It would appear that the probate court judge should inquire into the ability of the mentally ill person to support himself in the hospital and the ability of legally responsible relations to support him and then certify to his findings of *inability* only. The judge does not have to certify as to ability to pay for support.

You have further asked who bears the cost of re-examination.

Answer: I feel that the wording of section 137 is adequate to have the costs of re-examination charged to the town where the mentally ill resided or was found at the time of his arrest. That town again is reimbursed as stated in section 138.

GEORGE C. WEST

Deputy Attorney General

July 21, 1961

To: Stanton S. Weed, Director of Motor Vehicle Division

Re: "Initial Plates" re Amputee Veterans

I have your memo of July 18, 1961, asking the following question:

"Does the provision of Sec. 2 of Chapter 261 become compatible with the provision of Sec. 13, Chapter 22, R. S., as amended? Are we authorized to provide and issue such initial or combination type plates, in lieu of the regular straight numeric plates, at no 'service fee' of \$10.00."

Answer: Section 2 of Chapter 261, Public Laws of 1961, is entirely compatible with the provisions of Section 13 of Chapter 22, Revised Statutes of 1954.

In substance the 16th paragraph of section 13 of Chapter 22 provides that under certain conditions amputee veterans may receive free registrations and plates for their motor vehicles.

In substance, Chapter 261, P. L. 1961, provides that the Secretary of State may issue initial type registration plates to be used in lieu of other numeric type registration plates. Section 2 provides for a special service fee in addition to the regular registration fee, for those persons who wish to have the initial type plates.

The Secretary of State has no authority to issue the newly provided initial type plates unless the applicant pays the extra service fee. No exemptions from the payment of this extra service fee is provided in the law. This is a special privilege accorded to those who wish to pay for the service.

Just as the amputee veteran was not entitled to free registration and plates until the legislature so provided by statute so he is not now entitled to free initial type registration plates or combination of initials and numeric type registration plates without payment of the extra service fee. The legislature may at any time provide him with such plates without cost but until it does, he must pay the service fee.

GEORGE C. WEST  
Deputy Attorney General

July 26, 1961

To: Roy U. Sinclair, Chairman of Maine Employment Security Commission

Re: Employment Security Law

We have your request for a ruling with respect to Revised Statutes of 1954, Chapter 29, Section 13, Subsection III. Our answer applies also to Subsection II of Section 13.

Chapter 361 of the Public Laws of 1961 amends several sections of the Employment Security law (Chapter 29, Revised Statutes 1954). The amendments will take effect on September 16, 1961, except with respect to Section 13, Subsection II, relating to weekly benefit amounts for total unemployment, and Subsection III relating to weekly benefit for partial unemployment. These two sections specifically take effect, by the wording of the law, on and after October 1, 1962.

In our opinion, it certainly was not the intention of the legislature to leave a void between September 16, 1961 and October 1, 1962 with respect to payments of benefits for total and partial unemployment. Therefore, the law now in effect, i.e. Chapter 29, Section 13, Subsection II as amended in 1957 and Chapter 29, Section 13, Subsection III as amended in 1959, will remain in effect until the specified statutory change date of October 1, 1962.

The printing of the law will cause some confusion. May we suggest that your office in compiling your laws in pamphlet form include an explanation of those two sections for purposes of clarification.

FRANK E. HANCOCK  
Attorney General

July 27, 1961

To: Honorable L. Robert Porteous, Jr.  
113 Foreside Road  
Falmouth Foreside, Maine

Dear Senator Porteous:

This is in answer to your letter of July 13, 1961, regarding the question of tuition students of the proposed Town of Harpswell Neck attending Brunswick public schools.

Should Harpswell Neck separate from the Town of Harpswell by vote of the people, I believe paragraph 9 of the proposed contract agreement with Brunswick will remedy the problem of Harpswell Neck contracting with Brunswick for