

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

Section 15 provides that each police officer or constable must return the warrants at the time specified. The officer shall receive from the city, town or plantation, the sum of \$2.00 for each dog killed or otherwise disposed of and they may receive such further compensation as the municipal officers may determine for other services rendered under the provisions of sections 9 to 28.

In your question you have mentioned the municipal officers issuing a warrant to a humane agent. The statute does not provide for the issuing of a warrant to a humane agent, but only to police officers or constables. I might point out that by the 1961 amendment the State humane agents may issue the warrants rather than the municipal officers, but the State humane agent may not execute the warrants.

You will note the distinction that on the June 1 warrant the officer or constable shall collect his \$2.00 fee from the owner of the dog in the event the owner does license the dog after being so requested by the officer or constable.

The city, town or plantation is responsible for paying the police officer or constable \$2.00 for each dog killed or otherwise disposed of under the second warrant and subsequent court order.

GEORGE C. WEST
Deputy Attorney General

August 4, 1961

To: Carleton L. Bradbury, Commissioner of Banks and Banking

Re: Pepperell Trust Company

I have been over the file which you left with me as well as the banking laws.

I find nothing in the banking laws which would indicate that you, as Banking Commissioner, should become involved in the internal affairs of a bank, except where the matter would adversely affect the public.

It seems to me that the only function which you have in this particular matter is to see that nothing is done by the bank officials to adversely affect the capital structure of the bank.

GEORGE C. WEST
Deputy Attorney General

August 4, 1961

To: John F. Weston, Chairman of Harness Racing Commission

Re: Chapter 399, Public Laws of 1961

You have requested an answer to the following question:

“Is the money that is to be divided among the licensees based on the number of racing days granted by the commission or on the number of days actually raced?”

The second sentence of Chapter 399, Public Laws of 1961 provides:

“This sum shall be divided equally among the licensees in the proportion that the number of racing days of a licensee *granted* (Emphasis supplied) by the Commission bears to the total number of racing

days *granted* (Emphasis supplied) in any one year by the Commission.”

There is no question that the legislature intended that the division of the money to the licensees is based on a proportion between the racing days granted to an individual licensee and the total racing days granted to all licensees. The number of days actually raced has no bearing whatsoever upon the division of the money among the licensees.

GEORGE C. WEST
Deputy Attorney General

August 4, 1961

To: William E. Schumacher, M.D., Director of Bureau of Mental Health

Re: Chapter 303, Public Laws, 1961

Section 171, Chapter 303, Public Laws of 1961, provides — “A voluntary patient who requests his release or whose release is requested, in writing, by his legal guardian, parent, spouse or adult next of kin, shall be released forthwith except that: . . . ”

You have asked for an interpretation of this part of the section as to whether or not the request for release must be in writing whether made by the patient or the other parties named in this section.

A careful reading of this section would indicate that any request for release, whether by the patient or by the other parties named, must be in writing. A verbal request for release by a patient should not be accepted.

GEORGE C. WEST
Deputy Attorney General

August 4, 1961

To: Mrs. Frances J. Banks, R.N., President

Maine State Board of Nursing

363 Main Street

Lewiston, Maine

Dear Mrs. Banks:

We have your letter of August 3 inquiring to what extent your office can protect the confidentiality of records.

In order to answer your question properly it would be necessary for this office to know particular records to which you are referring. A review of Chapter 69-A, Practice of Nursing, does not indicate that any records of your office are declared to be confidential. Generally in the absence of a statutory declaration of confidentiality, the records of a public office are public records. It may be possible that certain records can be treated as confidential, but in order for this office to advise you on the matter it would be necessary for us to know to what records you are referring.