

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

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.

The so-called Right to Know Law in general provides that any administrative body composed of three or more members must transact its business at public meetings. The minutes of such meetings as are required by law shall be promptly recorded and open to public inspection except as otherwise specifically provided by statute.

A further provision of this law states that every citizen of this State shall, during the regular business or meeting hours of all such bodies or agencies have the right to inspect all public records including minutes of meetings and take memoranda abstracts or photographic or photostatic copies of the records or minutes so inspected.

It would appear that any actions taken by your Board as a group are of a public nature, especially as the act creating your Board does not provide that such acts shall be confidential.

If there are any other records of your office which you feel should be confidential and you wish a further ruling from this office, you should specify the nature of these records in order for this office to properly advise you.

Very truly yours,

GEORGE C. WEST

Deputy Attorney General

August 8, 1961

To: Joseph T. Edgar, Deputy Secretary of State

Re: Connor Voting District, Aroostook County

You have asked when Chapter 81, Resolves of 1961, becomes effective.

This resolve becomes effective on September 16, 1961, being 90 days after final adjournment of the legislature. However, it should be pointed out that it is effective only so far as it pertains to elections for the choice of Representatives to the 101st, and subsequent, Legislatures. If by any chance a special election is held to fill a vacancy in the 100th Legislature, the present legislative districts would be used.

You have asked a second question relative to the township of Connor, particularly as it pertains to where the voters of that township will vote in the October 10th Referendum Election.

Chapter 360 of the Public Laws of 1961 "An Act Revising the Election Laws" becomes effective on September 16, 1961, also. This law will be in effect at the date of the October 10th Referendum Election. So its provisions will control the voting at that election.

Section 29 of Chapter 360 provides the method of determining the place of voting of the voters in a township. In substance, this section provides that such a voter may register, enroll and vote in any town within his representative district. There are then some exceptions which do not need elaboration in this opinion.

The October 10th election does not elect Representatives to the Legislature; therefore, Chapter 81 of the Resolves of 1961 does not govern the place of voting. Until the June, 1962 primary, voters of the township of Connor are in the