STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For the Years
1967 through 1972

in the Warden of the Maine State Prison, such powers do not include the power to force medication and diet upon any prisoner against his will, subject to the exception that in instances wherein a prisoner becomes violent and uncontrollable, and thus detrimental to the peace and wellbeing of the prison, the administration of tranquillizing drugs against the prisoners' will may be necessary for the preservation of the good order of the prison.

It is our opinion that when a prisoner refuses medical treatment or diet prescribed by the prison physician the physician should explain the reason for the requirement of medical treatment or diet and the possible ill affects if treatment or diet is refused. If refusal persists the physician should make a statement in writing, indicating the nature of the refusal of treatment or diet, describing the explanation of the consequences of refusal given to the prisoner and stating the fact of persistence of refusal. The statement should be signed by the physician and dated; it should be signed by the recalcitrant prisoner, and witnessed, and if he refuses to sign the same it should be indicated on the form and witnessed. The completed form should be made a part of the prisoner's record.

Title 34, M.R.S.A., 1964, § 631 makes mandatory the furnishing of needed medical treatment or diet, but does not authorize the forcing of either.

COURTLAND PERRY
Assistant Attorney General

May 2, 1967
Bureau of Taxation

Ernest H. Johnson, State Tax Assessor

Property Taxation of property owned by Urban Renewal Authorities.

FACTS:

Prior to April 1, 1967, the Fort Fairfield Urban Renewal Authority acquired certain property from several individual owners. Most of the original owners have vacated the premises and the buildings have been demolished. However, one or two of the original owners continue to occupy their premises and will continue to do so until at least June of 1967. These individuals are paying rent to the Fort Fairfield Urban Renewal Authority.

QUESTION NO. 1:

Whether property acquired by an Urban Renewal Authority prior to April 1, is taxable to the authority?

ANSWER:

No.

OPINION:

Property of an Urban Renewal Authority acquired pursuant to 30 M.R.S.A. § 4813 is declared to be public property and not taxable.

QUESTION NO. 2:

Whether property owned by an Urban Renewal Authority and rented by it to former owners is taxable?

ANSWER:

No.

OPINION:

Applicable statutory provisions:

Exemption from taxes and execution. . . .

> The property of the authority is declared to be public property used for essential public and governmental purposes and such property and the authority shall be exempt from all taxes of the municipality, the State or any political subdivision thereof, provided that with respect to any property in a renewal project, the tax exemption provided herein shall terminate when the authority sells, leases or otherwise disposes of such property to a redeveloper for redevelopment. (30 M.R.S.A. § 4813)

Since property of an Urban Renewal Authority is public property, the tax exemption continues until such time as the property is transferred to a developer for redevelopment.

Because of the specific language of the statute declaring the use of such property to be public and tax exempt, it becomes unnecessary to discuss the provision of 36 M.R.S.A. § 651 (1) (D) and cases interpreting it.

JAMES M. COHEN
Assistant Attorney General

May 10, 1967
State Police

Major Ralph E. Staples, Deputy Chief

In your memorandum of April 14, 1967, you ask for a determination of the maximum gross weight allowance under 29 M.R.S.A. § 1652 for a tri-axle commercial vehicle transporting commodities other than those specified in 29 M.R.S.A. § 1655.

In answer to your question, the statute provides that no vehicle having 3 axles shall be operated over any way or bridge when the gross weight exceeds 51,800 pounds. This applies to vehicles having a distance of 29 feet between extremes of axle groups. Vehicles having axle groups of lesser distance apart are limited by the table contained in the statute to a particular maximum load according to the length apart of such axle groups.

The statute also provides that no vehicle shall have a gross weight imparted to any road surface of more than 22,000 pounds on any one axle, and that no vehicle having 2 or more axles less than 8 feet apart shall be operated with more than 18,000 pounds imparted to the road surface from either axle or 36,000 from both axles. Two or more axles less than 4 feet apart are considered as one axle.

If 3 axles are each more than 4 feet apart from the adjacent axle, but less than 8, then each may impart a maximum of 18,000 pounds, *subject to the overall gross weight limitation for a tri-axle vehicle of 51,800 pounds.* If 2 of the axles are less than 4 feet apart, the vehicle is considered to be a 2-axle vehicle, which cannot exceed a gross weight of 32,000 pounds.