

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date June 6, 1975

To Staff Members

Dept. Attorney General

From John W. Benoit, Jr., Deputy

Dept. " "

Subject Résumé of Opinions from April 7 to May 29, 1975

1. April 7, 1975

A parent or guardian may not over-ride the request of an informally admitted minor patient for release from a mental health institute and thus secure the continued hospitalization of such minor patient. An unemancipated minor may be detained at a mental health institute following his requested release from hospitalization and pending his removal from the institute by a parent or guardian. Such detention is in the limited exercise of the state's parens patriae guardianship over minors and should be for only a reasonable time; i.e., a matter of hours.

2. April 8, 1975

A Legislator cannot be legally appointed a member of the Board of Trustees of the University of Maine, nor of the Maine Maritime Academy, nor as a member of the Board of Directors, Maine Law Enforcement Planning and Assistance Agency. He may be appointed to any board or commission which is not empowered to exercise an Executive Department or Judicial Department function.

3. April 24, 1975

"Applications for examination" and "applicants' results of examination" are public records open to view by Maine citizens pursuant to 1 M.R.S.A. § 405, et seq.

4. May 9, 1975


Prosecutions for violations committed in Baxter State Park are, by statute, authorized in the District Court in the division nearest to where the offense is alleged to have been committed, or in the District Court in adjoining divisions.

5. May 19, 1975

The Maine Department of Health and Welfare may not now disclose information to the U.S. Border Patrol regarding the citizenship status of an applicant for AFDC or Food Stamp benefits, however, it should be noted that a Social Security Act amendment (Pub. Law 93-647, Part B), effective July 1, 1975, and the regulations adopted thereunder will alter the confidentiality standards in the AFDC program.

6. May 29, 1975

Rebates by motor vehicle manufacturers to purchasers of certain new vehicles are not discounts allowed between the dealer and the purchaser, and sales tax is computed on the amount charged by the dealer less credit for any "trade-in" of another motor vehicle.

 Jr/mf