

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

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REPORT

OF THE

# ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1914.

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WATERVILLE  
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1915

PUBLIC LANDS.—AUTHORITY OF LAND AGENT  
TO LEASE.

14th January, 1914.

*Hon. Blaine S. Viles, Land Agent, Augusta, Maine.*

DEAR SIR: Your favor of the 13th inst., was duly received.

I have examined the statutes and authorities, so far as they seem to have any bearing upon the right of the Land Agent to dispose of in any manner lands reserved for public uses, and I do not find that the statutes vest in the Land Agent any authority to lease such lands for any period of time.

He is given authority to superintend and manage the sale of public lands and to have the lands reserved for public uses set out, but his authority in relation to lands reserved for public uses seems to be limited to the right to dispose of the timber and grass growing thereon and until the land is incorporated into a town. He has the right to sue for trespass in case of a person unlawfully entering and cutting the trees and grass and no doubt take such steps as would protect the State's interest therein as is implied by the word "care," but he has no authority to sell, and I do not find anything in the statute that seems to give him any power to convey any rights therein except the timber and grass rights.

This being so, leases to persons occupying and using the land for sporting camps are void and of no effect.

The language of the Court in case of *Stetson vs. Grant*, 102 Maine, 222, seems to proceed upon the same view. The Court expressly holding that a sale by the Land Agent of the public lots is of no validity saying, "the land agent had no authority to sell and convey public lots and no title in the demanded premises passed by his deeds." I note also that the Court refused to decide in this case as to whether the Land Agent had any power to lease the public lands for the purpose of erecting and maintaining sporting camps upon them, but I think if such power has been contained in the statutes, they would not have hesitated to have said so considering the claims that were made in this case.

Taking this view of it, of course, the question as to whether it will be necessary to have the signature of the owners of the

timber and grass privileges is of no importance. The situation, as I view it, results in the owners of sporting camps located in public lots being trespassers, the Land Agent having no authority to grant them leases or permits. Of course, the Land Agent can treat them as trespassers and make such settlement with them as he deems wise in behalf of this State until the legislature shall have rectified this condition. As I understand it, it has now become a matter of considerable importance to the State to obtain this revenue from these public lots. The rights of the timber and grass owners as against the owners of the camps is a private matter between them, and probably would be simply a question of damages, if any, suffered by the owner of the timber and grass rights, who has simply the right to enter upon the land for the purpose of cutting and removing the timber and grass and no right to the soil.

Very sincerely,

SCOTT WILSON,

*Attorney General.*

BLUE SKY LAW.—WHAT CONSTITUTES “DEALER  
IN SECURITIES.”

4th February, 1914.

*Hon. H. M. Smith, Bank Commissioner, Augusta, Maine.*

DEAR SIR: In relation to Chapter 209 of the Public Laws of 1913 and what constitutes a “dealer in securities” under this act, I have given the matter some consideration and would suggest the following rule for your guidance.

That a dealer shall include every individual, partnership, association or corporation *engaged* in the business of selling or offering for sale securities whether its own or those of other individuals or partnerships or corporations unless done through a registered dealer or salesman. By the express terms of the statute this does not apply to personal investments, or changing of investments, or where a corporation sells its stock to its own stockholders or members. Neither do I think it was intended to include every sale of stock by a corporation to per-