

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

December 30, 1919

To Honorable Carl E. Milliken, Governor of Maine

In compliance with your oral request this morning for a citation which you had in mind in which the United States Supreme Court held that the transportation of natural gas and oil through pipe lines constituted interstate commerce and hence was not subject to a State law prohibiting the delivery of those types of natural resources outside the borders of the Particular State, we submit herewith the case of West vs. Kansas Natural Gas Company, 221 U.S. 229; 35 L.R.A., (N.S.) 1193, and accompanying note.

Evidently this is the case which you had in mind. It was decided by the United States Supreme Court in 1911. Three Justices dissented at that time but the doctrine of the case has been since reaffirmed and an examination of the later reports discloses nothing inconsistent with it.

It by no means follows, however, that water power is a commodity similar to oil and gas or that the same tribunal would reach a similar conclusion when that question might be presented to it. There are very striking differences between tangible substances like oil and gas which are recognized commercial products and electrically transmitted water power. Should you desire a more extended analysis of the theory of the interstate commerce clause of the Federal Constitution as applied to particular articles of commerce, let us know and we will give you the result of a more extended research at any time you may desire it.

Fred F. Lawrence
Deputy Attorney General

December 30, 1919

To George C. Danforth, Chief Engineer, Maine Water Power Commission
Re: Location of Public Lots

. . . Relative to the location of public lots in townships where no designation of such lots has been made, we would state that it would be impossible to give you any general rule or principle upon which it would be safe for you to rely, because it would be necessary in each case to investigate the conveyances which appear in the chain of title and might possibly have a bearing on the situation.

In general we would call your attention to the fact that our Supreme Court has held in two cases, namely: Blake vs. Bangor Savings Bank, 76 Maine 377, and Ring, Petitioner, 104 Maine 544, that where the entire township has been conveyed by the State without any specific reservations and particular deeds, the burden of the location of unreserved lots falls on the portion last conveyed. If the State still retains title to any portion of the township, the reserved lots would have to come out of this portion of the township; otherwise, out of the portion last conveyed, unless the history of the conveyances discloses some reservations or conditions indicating a different condition of affairs.

Fred F. Lawrence
Deputy Attorney General