

MAINE STATE LEGISLATURE

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November 29, 1922

To Hon. S. T. Dana, Forest Commissioner
Re: Camp Sites on Reserved Lands

. . . It is our opinion that the Land Agent in leasing camp sites on the reserved lands under the authority conferred in Section 6 of Chapter 8 of the Revised Statutes must proceed under the direction of the Governor and Council.

While the first part of said section deals with land belonging to the State, the next paragraph makes it apply also to land reserved for public uses until the same is incorporated, and I cannot escape the conviction that the requirement that the lease be under the direction of the Governor and Council applies to both classes of land.

Answering your second question, I think the authorization to the Land Agent to make such lease need not be specific in each case, but that an order containing general authority would be sufficient. . .

As to whether joint action on the part of the State and the owner of grass and timber is necessary to make a valid lease for a camp site, it is our opinion that the State has a legal right to lease such interests as it has in the lands, but that would be of no particular value where the timber and grass had been sold because it would be impossible for the lessee to exercise possession and rights under his lease without infringing on the rights of the owner of timber and grass. We, therefore, think the only practical way is to grant a joint lease.

There is no provision in the law as to the division of the rental between the State and the owner of the timber and grass, and the Land Agent undoubtedly has authority to use his discretion as to such division. We have no reason to think that the present equal division is inequitable.

William H. Fisher
Deputy Attorney General