

MAINE STATE LEGISLATURE

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PUBLIC DOCUMENTS

OF THE

STATE OF MAINE

BEING THE

REPORTS

OF THE VARIOUS

**PUBLIC OFFICERS
DEPARTMENTS AND
INSTITUTIONS**

FOR THE TWO YEARS

JULY 1, 1926 - JUNE 30, 1928

PUBLIC DOCUMENTS, 1926-28

(Explanatory Note)

Three reports in this volume cover periods in variance with the given biennium. They are as follows:

1. The report of the Attorney General covers the period from 1924 to 1928.
2. The report of the Bangor State Hospital covers the period from 1919 to 1928.
3. The report of the department of Inland Fisheries and Game covers the fiscal year ending June 30, 1928. No printed report was made for the fiscal year ending in 1927.

STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1926

PRESS OF MERRILL & WEBBER CO.
AUBURN, MAINE

near Petersburg, Virginia, together with a monument erected on said lot in memory of the six hundred and four members of that regiment who fell charging there June 18, 1864.

I have examined the deed of the property made to Mr. Horace H. Shaw and by him to the State of Maine, Shaw's deed to the State being made in 1895. I do not find any act of the legislature in which power was given to the Governor and Council to appoint a commission for the care or control of this property. In the absence of any legislative act, it is my opinion that the Governor and Council would not have the power to appoint a Commission as suggested in the communication to you.

I am returning the correspondence which you made a part of your inquiry, also copies of the two resolves above referred to.

Yours very truly,

SANFORD L. FOGG,

Deputy Attorney General.

July 25, 1925.

To His Excellency, the Governor and Honorable Members of the Executive Council.

GENTLEMEN:

In re Application for Abatement of Taxes by the Biddeford & Saco Railroad Company.

Having considered the question upon which the advisory opinion of the Attorney General is requested, I respectfully submit the following answer.

This tax was assessed by the Board of State Assessors under the provisions of Chapter 9 of the Revised Statutes, as amended. Section 30 of said chapter gives said board power to abate such a portion of the tax, which through error or mistake appears to be excessive, provided the application for such abatement is made within the year for which such tax is assessed.

In this case the application was not made within the specified time, hence the State Assessors cannot grant the desired relief. I fail to find any other provision of statute authorizing the requested abatement or reimbursement. It is, therefore, my opinion

that the relief sought cannot be lawfully granted except by act of the legislature.

Very respectfully,

SANFORD L. FOGG,

Deputy Attorney General.

October 5th, 1925.

To Honorable Ralph O. Brewster, Governor of Maine, Augusta, Maine.

MY DEAR GOVERNOR: The legislature of Maine at its last session duly proposed by resolve to amend Section 17 of Article 9 of the State Constitution, as follows:

"The legislature may authorize, in addition to the bonds hereinbefore mentioned, the issuance of bonds not exceeding three million dollars in amount at any one time payable within fifty-one years at a rate of interest not exceeding four per centum per annum, payable semi-annually, which bonds or their proceeds shall be devoted solely to the building of a highway or combination highway and railroad bridge across the Kennebec River, between the city of Bath, and the town of Woolwich," so that said section, as amended, shall read as follows:

"Sec. 17. The legislature may authorize the issuing of bonds not exceeding ten million dollars in amount at any one time, payable within forty-one years, at a rate of interest not exceeding five per centum per annum, payable semi-annually, which bonds or their proceeds shall be devoted solely to the building of state highways, and intrastate, interstate and international bridges; provided, however, that bonds issued and outstanding under the authority of this section shall never, in the aggregate, exceed ten million dollars; the expenditure of said money to be divided equitably among the several counties of the State. The legislature may authorize, in addition to the bonds hereinbefore mentioned, the issuance of bonds not exceeding three million dollars in amount at any one time, payable within fifty-one years, at a rate of interest not exceeding four per centum per annum, payable semi-annually, which bonds or their proceeds shall be devoted solely to the building of a highway or combination highway and railroad bridge across the Kennebec River between the city of Bath and the town of Woolwich."

See Chapter 71, Resolves of 1925.

During the same session, two thirds of the legislature concurring, the following amendment to Section 17 of Article 9 of the Constitution was also proposed by resolution.

"Section seventeen of article nine of the constitution, as amended