

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, 1930 - JUNE 30, 1932

STATE OF MAINE

REPORT

OF THE

Attorney General

for the calendar years

1931-1932

ment of the Bank Commissioner as to the business proposition involved and of the Attorney General as to the legality of the transaction might well be appealed to, and the following of such advice would be evidence of the good faith of the directors and of any purchaser or pledgee of such assets fully familiar with the transaction.

3. Assuming a withdrawal and substitution as above outlined, the trust company may pledge the assets so withdrawn as collateral security for a loan, the proceeds of which are to be used for purposes other than for the security and payment of savings deposits, and thereby give the lender a valid lien thereon to the full extent of the loan.

4. Assuming that the value of the assets so substituted is in the judgment of the board of directors of such trust company at least equal to the value of the assets so withdrawn from segregation and that the board of directors so determine by proper resolution duly passed, such trust company may lawfully sell or pledge such assets so withdrawn and pass good and clear title thereto, free from all trusts or restrictions arising under the provisions of the statutes, to a purchaser or pledgee taking the same in good faith in reliance upon such resolution, and use the proceeds of such sale of pledge for its general banking purposes.

5. A Maine bank or trust company may lawfully withdraw from segregation, in accordance with the provisions of the statutes and use for its general banking purposes assets theretofore so segregated to the extent that the value of the entire assets so segregated exceeds the then segregated amount of savings deposits and thereafter use the assets so withdrawn for its general banking purposes free and discharged of any trust or lien arising under the statutory provisions.

6. A Maine bank or trust company having segregated assets pursuant to the provisions of law may lawfully and effectively pledge such assets while so segregated to secure the repayment of money borrowed by such bank or trust company pursuant to a resolution of its board of directors authorizing such borrowing upon such security and directing that the money so borrowed be segregated and set apart in accordance with the statutes.

BRIDGE ACT

June 30, 1931

To State Highway Commission

In answer to your inquiries of April 24th regarding P. L. 1931, ch. 93, the Bridge Act,—

(1) The compact portion of a city or town of over ten thousand inhabitants is determined by the Commission in accordance with the suggestions in my recent letter referring to the state highway in South Portland.

(2) The length of the approaches to a bridge are to be determined by the Commission in the absence of legislative definition.

(3) The state is responsible for a bridge which is on the dividing line between a town of less than ten thousand and a town of over ten thousand. Sec. 1 of the act places the general responsibility of all state highway bridges and approaches on the state, with the exception as stated. According to usual rules of statutory construction, the general expression prevails except where a case is clearly within the exception. Unless a bridge, viz,—a whole bridge,—is within the compact portion of a town of over ten thousand, the bridge is for the state to construct and maintain.

(4) It makes no difference whether at the present time a bridge is maintained by county, town or bridge district. The only requirement of the statute is that the bridge should be on a state highway as defined in section 2.

(5) Maintenance charges placed on railroads by order of the Public Utilities Commission are unaffected by the act. The purpose of the act is limited to public expenditures, its object being to place on the state certain expenditures now placed on counties, towns and bridge districts.

(6 and 7) Maintenance includes the cost of operation of a movable span for navigation purposes, and maintenance and power for lights.

BUCKSPORT-VERONA BRIDGE

June 30, 1931

To State Highway Commission

You inquire as to the effect of P. & S. L. 1931, ch. 112, on the expenditure of bond issue funds for constructing the Bucksport-Verona bridge.

Prior to the convening of the recent legislature I filed an opinion to the effect that the bridge from Verona to Bucksport was outside the bond issue because it was neither a bridge from Prospect to Bucksport nor a bridge from Prospect to Verona, and could not be held as a matter of law to be "an approach" to the prospective bridge from Prospect to Verona.

Our law court held in *Starrett v. Highway Commission*, 126 Me. 212, that approaches are part of a bridge. It would follow that an approach to the bridge from Verona to Prospect is within the bond issue for constructing that bridge.

The legislature has now defined the bridge from Bucksport to Verona as an approach to the bridge from Verona to Prospect.

The court and *a fortiori* executive departments of the state must respect a definite legislative fiat unless it is clearly unconstitutional. I cannot say that the legislature has gone beyond its province in de-