

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**



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

February 25, 1936

Hon. Waldo W. Seavey
Forest Commissioner
Augusta, Maine

Dear Mr. Seavy:

Replying to yours of February 19, I am pleased to inform you that prior to 1915 the Land Agent had no authority to dispose of, in any manner, lands reserved for public uses, or to lease such lands for any period of time. His authority in relation to such lands seems to have been limited to the right to sell and grant rights to cut timber and grass belonging to the state until the land is incorporated into a town.

The Legislature of 1915, by the passage of Chapter 306, amended the law relative to public lands so as to read as follows:

"The Land Agent, under direction of the Governor and Council, shall sell at public or private sale and grant rights to cut timber and grass belonging to the State and may lease camp sites on lands belonging to the State, on such terms as they direct; also the right to cut timber and grass and lease camp sites on lots reserved for public uses in any township or tract of land until the same is incorporated. Preference in such sales or leases shall be given to citizens of the State of Maine."

The rights of the owner of the timber and grass are very limited. He has no title to the soil and no shore rights except such as are reasonably necessary for landing purposes and the carrying away, by the usual methods, the timber and grass. It seems to me that he has no right to lease any part of the land for camp sites; that right having been given exclusively to the Land Agent (not the Forest Commissioner) under the direction of the Governor and Council, by the aforesaid Act.

In view of the foregoing, I am compelled to answer each of your three questions in the negative. My idea is that the proper procedure in any given case would be for the Forest Commissioner to execute the lease, under the direction of the Governor and Council, inserting a provision that nothing in the lease is to be construed as granting any right to cut, injure or destroy the timber or grass, or obstruct the owner in the cutting of and removing same by the customary and usual methods, and have the lease assented to in writing by the owner of the timber and grass. You can make such division of the rental as may seem just.

Very truly yours,

Deputy Attorney General