

MAINE STATE LEGISLATURE

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January 4, 1940

Mr. William A. Runnells
State Controller
Augusta, Maine

Dear Mr. Runnells:

In re town of Wayne.

I have been having a conference this morning with representatives of the town and their counsel.

Under the provisions of Chapter 127, Private & Special Laws of 1931, which provided for the building of the Androscoggin Lake Dam, the town of Wayne was obligated to pay $26 \frac{2}{3}$ percent of the cost of the dam. Provision was made for the apportionment of this sum upon lands adjacent to and abutting on the Lake with a method provided for the collection from the abutting owners by assessment and lien.

After this law was passed some of the abutting owners sought legal counsel who advised them that there was a possibility that the law was unconstitutional because no part of the cost was placed upon the town of Leeds, and for other reasons. The assessors made no effort to collect this money from the abutting owners and I have told them today that I thought they were derelict in their duty, and that they had no right to rely on the opinion as to the constitutionality of the law, and that they should take immediate steps to apportion this cost and collect it. This they have agreed to do.

Acting on the advice from this office, you have deducted this year from certain moneys due from the town of Wayne for highway purposes a part of this amount that Wayne should pay to the State, representing money that has already been disbursed by the town for road purposes. In my opinion, in view of all the misunderstanding and confusion which has existed and relying upon the agreement of the present assessors to take immediate steps to collect the money, you should turn

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over to the town of Wayne for this year, the sums that were withheld; and it is understood further that the State insist on its right to make this offset, and that, if the procedure outlined above is not carried out by the town, beginning next year we will deduct sums due the State from any State moneys that may be due the town until the State has been fully reimbursed.

Very truly yours,

Franz U. Burkett
Attorney General

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