

# 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**

February 21, 1940

To Edward D. Graham, Captain, 240th Coast Artillery  
Re: Maintenance, etc., of the Milk Street Armory.

I do not feel that it would be proper for me to give you any official opinion with regard to any questions which you asked in your letter of January 22nd. . . I have, however, been interested in making some examination of the situation surrounding the gift of this Armory, and I have before me the original deed given by the City of Portland to the State of Maine under date of December 6, 1913, conveying to the State the "Armory and drill shed situated on the Market House lot in said Portland . . . together with the easement of land on which it stands so long as the building then standing thereon or any other building which may hereafter be erected by the State of Maine under the provisions of this deed shall be used for the purpose of an Armory under the provisions of the law relating thereto."

There are certain reservations and conditions attached which I will not quote because you can find the whole deed recorded in the Registry of Deeds for Cumberland County in Book No. 925, Page 32.

One of the conditions of the deed, however, is interesting as bearing on your particular inquiry . . . : "First: That upon and after the acceptance of this conveyance by the Governor of Maine on behalf of said State of Maine, and for and during such term as said State of Maine shall occupy and use said building for Armory purposes, the City of Portland and the Municipal officers thereof, shall not be required to furnish for the use of the land forces of the Militia or national guard of Maine any other Armory or drill room or headquarters offices, or to raise money by taxation or otherwise for the purpose of providing the same: Second: That said State of Maine shall always use and maintain said building as an Armory, drill room and headquarters offices for the organizations of the active militia, as may be stationed or located at said Portland, and shall put and hereafter keep in repair said building, free of all expense to the City of Portland, excepting the interior section thereof now used for the Public Baths, or such portions thereof as may from time to time be used in enlarging or altering said public baths, as hereinbefore excepted or reserved."

I can find no record of any formal acceptance by the Governor of this conveyance and I was further interested in ascertaining if there was any authority for the acceptance of a deed under these conditions, and I find that the Legislature of 1913 by Chapter 3, Public Laws of that year, entitled, "An Act to Amend the Military Law", adopted the following provision:

"The governor is authorized to accept in the name of the state donations of lands and buildings to be used for military purposes by the organized militia under such conditions as the donors may nominate; lands and buildings so donated shall be subject to the rules and

regulations prescribed by the governor; and provided further that when any building is turned over to the state for use as an armory or drill shed the armory commission shall be authorized to approve for payment from the appropriation for armory rentals such sums as may be necessary for the upkeep of such building including repairs, furnishings, light, heat, water and janitor service."

Apparently, the Governor was acting in accordance with the provisions of the statutes then in effect.

Franz U. Burkett  
Attorney General