

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)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

Under our statutes, if a sufficient number of people move into the town to bring the population up beyond a certain point, the area is then entitled to be reorganized as a plantation or as a town, as the case may be. Title to such public property as has belonged to the town and has vested in the State by reason of the deorganization, immediately shifts to the reorganized plantation or town, as the case may be.

In my opinion, the State should carry insurance on school buildings, town halls, and other valuable buildings within the deorganized areas until it seems practically certain that there will be no reorganization within a reasonable time.

I understand that the State is a self insurer on all buildings valued at less than 10,000, and that the subject of insurance as above will create an apparent exception to this rule. Actually, it will not because if the State is holding the property as quasi trustee, the carrying of insurance on these public buildings will not be a violation of the rule.

Attorney General

From:
Frank I. Cowan, Attorney General

December 18, 1941

To:
George E. Hill, State Tax Assessor

In re School Funds in Deorganized Towns

Your memorandum of 12/16/41

Under the provisions of Chapter 4 of the Private and Special Laws of 1941 which relates to the surrender by the Town of Baring of its organization, and Chapter 25 of said laws in re Silver Ridge, we find in Section 2 a provision in regard to the disposition of school funds.

The provision in said Section 2 of Chapters 4 and 25 provides that all school funds deposited to the credit of said town and plantation and all funds unexpended for school purposes at the time when this Act became effective, out of amounts received by said town and plantation for school purposes or out of amounts paid by the State for school purposes, shall be paid by the person having custody of said funds to the Treasurer of State. The Section further provides that the amount so received shall be added to the unorganized township's funds as provided by Section 3 of Chapter 11 of the Revised Statutes.

In these two statutes, we find definite direction for the deposit of said funds with the Treasurer of State. The State Tax Assessor is not charged with any duty or responsibility in regard to custody or use of said funds. If the Department of Education has deposited with the State Tax Assessor in the past any of such funds, they have been so deposited through error and should be transferred immediately to the State Treasurer. The State Tax Assessor has no duty toward said funds and in case of any loss of any of said funds while in his custody, they would not be protected by his bond.

The above applies equally to any other funds from any other deorganized town or plantation where the Act providing for the surrender of its organization has contained the same wording that appears in Section 2 of Chapters 4 and 25 of the Private and Special Laws of 1941, and all such funds which have been received heretofore by the State Tax Assessor from the Treasurer or other person having custody of school funds of the area that has been deorganized, or funds unexpended for school purposes, should be delivered to the State Treasurer.

The school funds, whether received or accrued prior to or since the surrender of organization, cannot be used for the general purposes of government. They are quasi-trust funds, and must be held for use in accordance with Revised Statutes, Chapter 11, Section 3.

Attorney General

December 18, 1941

From:
Frank I. Cowan, Attorney General

To:
W. Earle Bradbury,

Inland Fisheries and Game

Supplement to Opinion of Judge Fogg of December 1st, 1941

Inasmuch as Section 19, paragraph 9, of the Inland Fish and Game Laws of 1941 provide that "No person required by law to pay a poll tax in this state shall be granted a resident hunting, fishing or combined hunting and fishing license until he shall present a receipt or a certificate that he has paid his poll tax in the town where he resided for the year preceding that for which the license is applied for, or a receipt or a certificate from the taxing authority of that town that he was legally exempted therefrom, or that the tax has been abated", and does not provide for any substitute for such receipt or certificate, it is necessary that such a "receipt or certificate" be presented in order to obtain the hunting or fishing license.

However, the informality of the receipt or of the certificate will not make it invalid. Any written evidence from the tax collector or his authorized agent that the applicant has paid his poll tax for the preceding year is sufficient to fulfill the requirements of the law.

Attorney General