

MAINE STATE LEGISLATURE

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August 18, 1942

Hon. Harry V. Gilson
Commissioner of Education
Augusta, Maine

Dear Sir:

This office has been informed that under the will of one Amy W. Pinkham, provision is made for a bequest of one thousand dollars to the Eastern State Normal School. There appears to be some apprehension that the bequest might fail because of the present use of the Eastern State Normal School buildings as a Maritime Academy.

Under the provisions of Chapter 97 of the Private and Special Laws of 1941, enacted at the Special Session of the Ninetieth Legislature in January, 1942, the Board of Normal School Trustees was authorized to discontinue the use of the Eastern State Normal School under certain conditions and to lease the buildings under certain terms and conditions to the Maine Maritime Academy. Provision is made for the termination of the lease, if executed, and the surrender of the land and buildings to the Board of Normal School Trustees.

Statutory provision for the Board of Normal School Trustees is found in Section 199 of Chapter 19 of the Revised Statutes of Maine, 1930. The Board of Normal School Trustees is still in existence and is still functioning. The legal title to the Eastern State Normal School is, by law, vested in the Board of Normal School Trustees. Consequently, it would appear that the Eastern State Normal School is not, in fact, out of existence but, on the contrary, the use of the buildings as an elementary teachers training institution is temporarily suspended. It would, therefore, appear that the bequest made by Amy W. Pinkham should be paid to the Board of Normal School Trustees.

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The Executor under the will of Amy W. Pinkham will be controlled by the Judge of Probate in making distribution of the estate. The opinion of this office will not, therefore, be binding either upon the Executor or the Court, but this office should be kept informed so that the Board of Normal School Trustees may be represented for the protection of the interests of the State of Maine in this connection.

Very truly yours,

John S. S. Fessenden
Deputy Attorney General

JSSF:gh