

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

April 2, 1943

John A. Retter,
 Lt.-Col., Corps of Engineers
 Executive Assistant
 Office of Division Engineer
 New England Division
 Boston, Massachusetts.

In re 601.1, Presque Isle, Maine Your reference DRE 5

Dear Sir:—

The City of Presque Isle, Maine, and the Town of Houlton, Maine, have ample authority under Public Laws of Maine, 1941, Chapter 173 and Public Laws of Maine, 1931, Chapter 213 to acquire title to the airports which they have conveyed to the United States of America by deeds, copies of which you have sent to this office.

The Legislature of Maine has passed and the Governor has signed a bill, being Legislative Document #824, two copies of which I am enclosing herewith. By Section 1 of said Act, as you will see, cities and towns are authorized to sell airports as in the instant case, while by Section 2, all conveyances of airport lands by cities and towns to the United States for military purposes before this Act takes effect are declared to be valid.

This Act will not take effect until ninety days after the Legislature adjourns. We expect that the Legislature will adjourn on April 8th or 9th, so this Act will take effect about July 7th or 8th.

It was our wish to pass an emergency act which would take effect as soon as signed by the Governor, but under the State Constitution, emergency acts cannot be passed by the legislature if they provide for a sale, lease or rental of land for a period of more than five years. When the Act takes effect, title will immediately vest in the United States by reason of the deed from Presque Isle dated August 12, 1941 and the deed from Houlton dated August 13, 1941.

Very truly yours,

FRANK I. COWAN
 Attorney General

April 3, 1943

To:
 Harry V. Gilson, Commissioner

Education

From:
 John G. Marshall, Assistant

Attorney General

On April 1, 1943, you inquired if a town is legally liable to pay the board of students, where no school is provided by the school committee in that town. On the facts presented, the answer is in the negative.