

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1945-1946**

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the lands for State tax purposes has ceased, but the lands are being used, either by the same person who failed to pay the tax, or in many cases by the innocent purchaser who purchased the property from the original owner, or from the owner who supposedly acquired the property through foreclosure of a mortgage, and many of these lands are being farmed and the present (supposed) owners apparently know nothing at all about any claims that the State may have on these properties, what action should the State Tax Assessor take, if any?

*Answer.* It is my opinion that the State Tax Assessor should get in touch with the owners of these properties and advise them that the State has tax liens on these various parcels of land, and that these tax liens have been recorded in the office of the Forest Commissioner, as required by law, and you should then make a demand upon them for the amount of tax due the State, plus interest and costs of sale and recording the same; and if you cannot collect the full amount of these tax lien claims, together with interest and costs, you will submit to me an itemized statement of same, and you can make a compromise. As attorney for the State, I will authorize you to compromise any case where there is any doubt as to the legality of the State's claim, or where there has been any accident or mistake whereby innocent purchasers may suffer.

RALPH W. FARRIS  
Attorney General

August 29, 1945

To Max L. Wilder, Bridge Engineer, State Highway Commission

I have your letter of August 20th to which was attached a print of the survey plan of Minot Corner bridge over the Little Androscoggin River between the towns of Minot and Poland. You state . . . that there are three spans, one over the main river and two of shorter length over openings at the easterly end. You further state that there was formerly a dam downstream from the bridge and at that time water at normal pitch flowed through all three openings, but that this dam is not now in existence and that except at high water, the river flows through the westerly opening only. It is, however, understood that the dam may be rebuilt.

You further state . . . that the towns of Minot and Poland have applied for State and county aid for the reconstruction of the bridge, under the Bridge Act, and at the joint board meeting the estimated cost of the whole bridge was given, divided between the State, county and towns, and the towns' share was divided between Minot and Poland in proportion to the State valuation of the towns in accordance with your understanding of Section 88 of Chapter 20, R. S. 1944.

You further state that the municipal officers of Poland objected to this division of costs and stated that the Town of Poland should not participate in the cost of the entire project, which would include the two spans, the area between them and the approaches at both ends, but only in one-half of the main span and the Poland approach. It was stated that the

town of Minot had been maintaining one-half of the main span and both the smaller easterly spans and the Minot approach, and that therefore Minot should be the only town participating in the cost of this portion of the project.

On the basis of the foregoing facts you have requested an opinion from me.

It is my opinion that after the Town of Poland, through its municipal officers, petitioned the Commissioners of the county for reconstruction of this bridge under the Bridge Act, it is bound by the decision of the joint board and there is nothing in the statute which permits a breakdown of any part of the construction of the bridge. I am assuming that at the joint board meeting the estimated cost of the whole project was given and the State, county and towns' share was divided in proportion to the State valuation of the towns, as provided in the last sentence of Section 88 of Chapter 30, R. S. 1944, and that the town of Poland is bound to accept the apportionment of costs under the provisions of the Revised Statutes, regardless of the opinion of the municipal officers of Poland that the Town of Poland should not participate in the cost of the entire project. . .

RALPH W. FARRIS  
Attorney General

August 29, 1945

To Harrison C. Greenleaf, Commissioner of Institutional Service

I have your memo of August 17, 1945.

Section 12 of Chapter 23 would not authorize a transfer from a penal or correctional institution to a state hospital for treatment of the inmate. Such transfer may only be made "for further study or observation of his mental condition." The inmate could be detained at the hospital for such time only as may be necessary to determine his mental condition. The evident purpose was to allow time for study and observation to diagnose and classify the particular case, especially where the disease is uncertain or obscure.

This view is quite clear from a reading of Section 13, which allows a transfer to a state hospital of a person "who becomes insane, or who is found to be insane by the examination authorized by the preceding section."

ABRAHAM BREITBARD  
Deputy Attorney General