

# MAINE STATE LEGISLATURE

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May 9, 1946

To the State Park Commission

Subject: Old Arsenal Lot at Bangor

There has been submitted to this department the council order and statement of the facts prepared by the Commission, requesting authority of the Governor and Council to sell this lot.

This department entertains serious doubt of the authority of the Commission to dispose of the ancient landmarks enumerated in Section 29 of Chapter 32, which were designated as State Parks. The territory in question was incorporated as a State Park by Chapter 169 of the Laws of 1927, when this arsenal lot was created a State Park. Furthermore, the section of the statute with regard to these landmarks provides that the "land shall be maintained as public parks under the supervision, direction and control of the state park commission." The control and supervision thereof was vested in the Park Commission at the time of its creation in 1935.

While under this Act the Commission, with the consent of the Governor and Council, is empowered to acquire land or interests therein by purchase, gift, or eminent domain and, with like consent, to sell and convey such lands or interests, we think that the power to sell is limited to such lands as the Commission acquires by purchase, gift or eminent domain for park purposes, and does not apply to any of the landmarks which were placed under the supervision, direction and control of the State Park Commission, enumerated in Section 29 thereof.

Authority to sell this lot we feel should be obtained from the legislature.

Abraham Breitbard  
Deputy Attorney General

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