

# MAINE STATE LEGISLATURE

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May 21, 1946

To State Park Commission

Re: Reid State Park - Legal Fees

This department acknowledges receipt of your memo of May 7th relative to the bill submitted to this department by Morris Cox, examiner and abstractor of the title to the Reid State Park. The Commission returns the bill with the notation that the same was not incurred by that department and that it therefore lacks authority to pay it.

The fact is that it is a bill that is incurred by that department and properly chargeable to it. At the time that this gift was proposed by the donor, the Governor, accompanied by a member of your Commission, a member of the Council, and the writer, visited the area of the proposed gift and there was a conference held concerning it. At the time, I stated that I should need the deeds or copies thereof involved in this area, and it would also be necessary to examine the title, in view of the large expenditure of money not only to supply the park area with the facilities necessary to maintain it as a park, but likewise the area adjoining it over which a road would have to be built to the park, requiring an expenditure of a substantial sum of money; and this should not be done in any case unless the State first satisfied itself that the donor had a title that is reasonably free and clear of encumbrances and that there are no outstanding substantial interests.

The Governor acquiesced in this suggestion and accordingly directed that the title be examined.

The Department thus employed Mr. Cox, a veteran who had just returned from service and who is an able abstractor, to examine this title and furnish the department with several copies of the abstract. This he has done and has submitted his bill, which is reasonable in view of the time spent in the Registries of Sagadahoc and Lincoln Counties, and his expenditures for services of an engineer who had previously made a plan for the Navy Department, which leased a portion of these premises for target practice.

Now this gift has been accepted by the Governor and Council as a State Park, which under the statute is under the supervision of the Park Commission. The bill incurred is a most essential part preparatory to the acceptance of the gift. It is not a part of the services which this department is required to render to the Commission. We are charged by the statute with the duty of advising the Commission, but we can only advise them after an abstract has been prepared of the record title. This bill is one that was properly incurred and chargeable to your department; and hence I return the same for payment by it and request that you approve it for payment.

Abraham Breitbard  
Deputy Attorney General

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