

MAINE STATE LEGISLATURE

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September 17, 1946

To Military Defense Commission
Re: Reimbursements to Municipalities - Airports

General Carter left these files in order to obtain approval from the Attorney General's Department relative to reimbursement, so-called, to be made to the municipalities for acquiring lands for airport purposes, as a part of the military defense of the State. These arrangements apparently were made while the country was at war. The Commission agreed to pay half of the cost of acquiring land for that purpose and of the other expenses connected therewith.

I do not find any direct statutory provision which authorizes such an arrangement. Under Section 24 of Chapter 12, cooperation is authorized with the federal government and the municipalities in establishing a coordinating nation defense in this State,

"especially in the providing of equipment, training, facilities, suitable quarters for troops and supplies, and buildings and lands for military purposes."

In the next sentence, it is provided that:

"The commission may acquire real property by right of eminent domain. . . for the purpose of construction and/or improvement and maintenance of armories, airports, shipyards, and other military facilities."

It would seem, however, by the latter provision, that the title was to vest in the State of Maine and could only so vest if it was taken by eminent domain by the Military Defense Commission.

On the other hand, as to the airports in question, the title was taken by the municipalities.

See also 50% of cost of constructing buildings for armories, under Chapter 80, Section 112. This probably is where the 50% idea came from.

Abraham Breitbard
Deputy Attorney General

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