

# MAINE STATE LEGISLATURE

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November 28, 1947

To A. K. Gardner, Commissioner of Agriculture  
Re: Land of University of Maine

In your memo of November 17th, you write on behalf of the Trustees of the University of Maine and inquire as to the authority of the Board to authorize the purchase or sale of lands.

As to the sale by the Trustees of lands, the title to which is in the State of Maine, I would say that unquestionably they would have no authority to sell this land.

As to land, the title to which is in the name of the University of Maine, the question is not so clear and I don't think I can lay down any general rule for you. Perhaps the way to handle that would be to take up the consideration of it when the Trustees decide to sell a particular parcel. At that time the facts may be examined to determine whether the property was bought with funds of the State, or whether by devise or gift to the State, or by devise or gift to the University of Maine. There have been statements in rulings made by a former attorney general that lands and buildings, whether in the name of the State or in the name of the University, are the property of the State. If that be so, then none of the lands can be sold without legislative sanction.

Abraham Breitbard  
Deputy Attorney General

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