

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

sistent with the three-fold division of governmental power, political divisions other than cities and towns may be erected by the legislature for public purposes. Towns must provide funds for the support of public schools within their limits. It does not follow that the legislature can do no more for the same general purposes. Municipal corporations organized for different purposes may include the same territory as a city or a county or a school district. Two authorities cannot exercise power in the same area over the same subject at the same time. But identity of territory, putting one municipal corporation, full or quasi, where another is, is immaterial, if the units are for distinct and different purposes."

Norway Water District was incorporated under the provisions of Chapter 55, P. & S. L. 1941, as you state in your memo. You will note in Section 10 of said Chapter that "the district through its trustees is authorized to contract with persons and corporations including the town of Norway, and said town of Norway is authorized to contract with it for the supply of water for municipal purposes." This indicates that the district is a separate entity from the Town of Norway.

I refer further to the rules of construction in Chapter 9, Section 21, subsection XX, "The word 'municipality' includes cities, towns and plantations." Therefore the legislature did not intend to include water districts with village corporations which exercise police powers and perform a municipal function. For that reason, in Section 116 of Chapter 82, as amended by Chapter 361, P. L. 1947, the legislature included village corporations as the subject of audit; and if you wish to include municipally owned water districts, or quasi-municipal water districts, the matter should be brought to the attention of the legislature and this provision of the statute amended to cover water districts, school districts, or whatever quasi-municipal corporations the legislature may see fit to have audited by the State Department of Audit.

RALPH W. FARRIS  
Attorney General

January 30, 1948

To Col. Laurence C. Upton, Chief, Maine State Police  
Re: P. L. 1945, Chapter 74, Section 87

You refer to the above entitled statute permitting the transportation of poles by means of a combination tractor and semi-trailer without the owner thereof being restricted to the provisions of law relating to the over-all length of the vehicle and load.

You further state that there has been more or less confusion as to just what constitutes a pole as defined in this law. You had assumed that the term "pole" meant a manufactured object such as a finished telegraph or telephone pole, but, as some believe that the word as used would include a rough log in its natural state, you ask my opinion on this subject.

It is my opinion that the word "pole" means either wood or metal poles to be used for perches some time or other for the stringing of wires for electric power transmission or telephone or telegraph purposes. In other words, the pole is to be used as a lineal perch and does not include a rough log in its natural state.

RALPH W. FARRIS  
Attorney General