

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

"2. What legal steps are necessary for such rentals?"

*Answer.* Proper steps would be to secure Council Order authorizing the Commissioner to enter into a lease, which lease would be subject to approval by the Attorney General's Department as to form.

RALPH W. FARRIS  
Attorney General

November 4, 1948

To Ernest H. Johnson, State Assessor

I have your memo of November 2nd, stating that the Commissioner of Education is in possession of several school buildings in deorganized places which, because of the fact that there is no apparent present or future need for them, he proposes to turn over to the State Tax Assessor under the provisions of Section 13 of Chapter 90, R. S., as amended by Chapter 182 of the Public Laws of 1945. You submit the following questions:

"1. Is the State Tax Assessor obliged to make immediate disposal of these buildings?"

*Answer.* There is no provision of law which obligates you to make immediate disposal of these school buildings. You may use your own discretion in disposing of same.

"2. May the State Tax Assessor rent, grant or otherwise transfer use or ownership, for a limited time or permanently, to any department of state, local association or individual through private sale or agreement?"

*Answer.* I have just answered a similar memo for the Commissioner of Education, in which I have ruled that he has authority under Section 153 of Chapter 37, R. S., to rent certain schoolhouses which may again be used for school purposes, with authority from the Governor and Council; and in answer to your question 2 I will state that you should secure authority by Council Order to rent any of the school buildings which are released to you by the Commissioner of Education to any department of the State, local association, or individual through private sale or agreement, provided said agreement or lease is approved as to form by this office.

RALPH W. FARRIS  
Attorney General

November 5, 1948

To Col. Francis J. McCabe, Chief, Maine State Police  
Re: Spotlights

I have your memo of November 3rd calling my attention to Section 116 of Chapter 19, R. S., as amended by Chapter 320 of the Public Laws of 1947.

You will note by the amendment of 1947 that fog or auxiliary lights shall emit a white or amber beam of light.

You state that some automobiles are delivered to the owner equipped with two spot lights, one on each side of the car. You have been asked if, after the bulb and wire are removed from one of these spot lights, it would be considered a spot light.

In reply I will say that it would not be a spot light, if it was not equipped with bulb and wire connecting same; it would be an ornament. Therefore it would not be a violation of the law to have an extra spot light on the car, if it was disconnected and the bulb taken out.

The question of whether it is a spot light should be determined by the inspectors or members of your department.

It would not be fair to construe the law so as to require the owner of a car delivered equipped with two spot lights to dismantle one entirely. I think your men should be advised to check on cars that are equipped with two spot lights and see that only one is in operation and connected by wire and bulb.

RALPH W. FARRIS  
Attorney General

November 5, 1948

To A. D. Nutting, Forest Commissioner

I have your letter of November 4th, relating to land owners in the Maine Forestry District who wish advice on legal procedure in adjusting the Forestry District tax. You raise the two following questions:

"1. Is it possible to set the tax on a supposed permanent basis, plus a sum of money for equipment for the next two years?"

"2. How should the tax be set up to take care of the present deficit?"

Following out the suggestions which we made yesterday during our conference, I will say in answer to Question 1 that it would not be possible to set the tax on a supposed permanent basis plus a sum of money for equipment for the next two years. The tax should be definite in your bill.

In answer to Question 2 I suggest that Section 74, which provides for an annual tax of  $2\frac{1}{4}$  mills, be amended with an increase for a period of, say, two years, to take care of the equipment and deficit, and then have the tax fall back to, say, 5 mills on a permanent basis after January 1, 1951, or June 30, 1951, whichever would be more convenient. This would give the District sufficient tax for the next two years to take care of the deficit and the equipment, and then it would fall back upon a permanent basis after a certain date, either  $4\frac{1}{4}$  mills or 5 mills, whichever can be agreed upon when the bill is drafted.

RALPH W. FARRIS  
Attorney General

November 22, 1948

To A. D. Nutting, Forest Commissioner

I have your letter of November 18th, enclosing a copy of a letter which you received from Frederick D. Farnsworth, City Manager of Rockland. The question is,

"Can municipalities qualify for reimbursement of one-half their forest fire suppression costs up to 1% of their tax valuation which went to the aid of others, but which were not paid by the towns they aided?"