

MAINE STATE LEGISLATURE

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December 27, 1948

To: Ernest H. Johnson, State Assessor
Re: Forestry District

I have your memo of December 23rd, calling my attention to Sections 73-86 of Chapter 32, R. S., which have to do with the Maine Forestry District, especially to Section 73, which lists the territory embraced within the District and provides that whenever it shall appear to the State Tax Assessor that any part of the unorganized territory is in need of fire protection, the Assessor, with the approval of the Forest Commissioner and the Attorney General, may declare such territory to be a part of the Maine Forestry District. You then call my attention to Section 86, which provides that any incorporated town or plantation adjoining any part of the Maine Forestry District, may, by a vote at a town or plantation meeting, become a part of the District. This section also provides that a town or plantation so voting shall be and continued part of said District.

You state that you can find no provision in the above sections permitting an organized municipality which once becomes a part of the Forestry District to withdraw from the District, and you ask, "Can an organized plantation which is listed in Section 73 . . . as being a part of the Maine Forestry District withdraw from the District by a vote at a plantation meeting, or must such withdrawal be effected by the legislature through an amendment to Section 73.?"

Answer: While the State Tax Assessor may, with the approval of the Forest Commissioner and the Attorney General, declare any part of unorganized territory of the State, including any areas previously incorporated but which have been deorganized by act of legislature, to be a part of the Forestry District, and while any incorporated town or organized plantation, in order to become a part of the District, may by vote of its inhabitants become a part of said District and subject to the provisions of the 13 sections preceding Section 86, it is my opinion that where the legislature has provided no method for an organized plantation listed in Section 73 of Chapter 32 to withdraw from the District, the only way in which withdrawal can be effected is by special act of the legislature.

You will note at the end of Section 86 it provides that when any plantation becomes a part of the District, all officers of such town or plantation are exempt from the duties and obligations imposed by the provisions of Section 58 of Chapter 85. That is one reason why I am inclined to believe that a special act would be necessary for the withdrawal of a plantation that has once been incorporated in the Forestry District by a vote of its inhabitants.

Ralph W. Farris
Attorney General

RWF:c