

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

January 27, 1949

To the Honorable Governor and Council

Mr. Goss, the Secretary of State, gave me a copy of a vote of your body, which was passed yesterday, and also a letter from President Hauck of the University of Maine, relating to the Lamoine Naval Coaling Station. You request me to report to the Council what may legally be done with regard to this matter.

It is my opinion that this matter needs legislative attention and is not a proper matter for the Governor and Council at the present time. I believe that a resolve can be drafted and introduced that will take care of this situation. If an appropriation is necessary to salvage the steel in the pier at Lamoine, it can be taken care of in a resolve for the University of Maine, rather than from the contingent fund.

However, I want to give this matter further study with the Controller, and also to examine the deed in 1927, when this property was conveyed to the State of Maine, and also Chapter 81 of the Private and Special Laws of 1941, which provides that the board of trustees of the University of Maine shall have the use of the property for educational purposes, and any expense for reconstruction or maintenance shall be borne by the University of Maine.

RALPH W. FARRIS
Attorney General

January 28, 1949

To Hon. Frederick G. Payne
Re: Lamoine Naval Coaling Station

Supplementing my memo of January 27th to the Governor and Council relating to the Lamoine Naval Coaling Station, which is under the supervision of the Board of Trustees of the University of Maine:

I have given this matter further study and I find that the original deed from the United States of America to the State of Maine contains a consideration of \$5750, which money was taken from the State Contingent Fund on November 29, 1927, during Governor Brewster's term of office. Said Council Order authorized the purchase from the United States of the Naval Coaling Station at Frenchman's Bay, which was contrary to the statutes; the Governor and Council have no authority to purchase land without legislative sanction; so that a validating act was passed by Chapter 81 of the Private and Special Laws of 1941, referred to in my memo of January 27, 1949, which approved the acts of the Governor and Council by virtue of said order passed November 29, 1927, and the acquisition of the land and buildings of the United States Naval Coal Depot. Section 2 of this Special Act is set forth in my memo of January 27th.

In 1943, Governor Sewall had considerable correspondence with Attorney General Cowan with relation to selling the scrap on this property, but the Attorney General was in doubt as to the authority of the Governor and Council to sell and convey to the Metals Reserve Company in Washington, D. C., the scrap metal in the coal bunker and wharf, which were then being used by the University of Maine as a Marine Biological Station. I can find no record of any bill of sale being passed by the State of Maine. However,