

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

October 10, 1949

To Ernest H. Johnson, State Tax Assessor
Re: Dresser Schoolhouse and Lot in Albany Township

I have your memo of October 4th, stating that on April 6, 1884, Washington French conveyed a schoolhouse and lot to the inhabitants of School District #2 in Albany, by deed recorded in Book 310, page 227. You further call my attention to an Act of 1893, Chapter 216 of the Public Laws, which provided that all existing school districts were abolished and the towns were given possession of such school property. You further state that as of January 1, 1938, the town of Albany was deorganized. On August 10, 1949, the Commissioner of Education notified the State Tax Assessor of permission to dispose of this property under the provisions of Chapter 90, Section 13, R. S., as amended; but meanwhile, on May 15, 1949, four individuals purporting to be "inhabitants of District No. (2) in Albany" attempted to convey the above schoolhouse and lot to J. Ernest Brown, an inhabitant of said school district. You further state that the purchaser was notified by your office on July 1, 1949, that the above property was state-owned, but that no reply was received to this letter.

Based upon the foregoing statement of facts and the law, you ask the following question:

"Did the grantee in the above deed acquire any interest in this property by virtue of the deed given on May 15, 1949?"

It is my opinion that after the effective date of Chapter 216, P. L. 1893, abolishing all school districts, the property was no longer in the possession of the school district, but became the property of the town, and the State Tax Assessor is authorized to sell or otherwise dispose of said property, and the grantee in the above deed did not acquire any interest or title in this property by virtue of any deed given on May 15, 1949 by individuals purporting to be inhabitants of the school district, because there was no such school district in existence at the time of the execution of said deed, the same having been abolished by said statute of 1893.

RALPH W. FARRIS
Attorney General

October 12, 1949

To Paul A. MacDonald, Deputy Secretary of State
Re: An Act to Incorporate the Skowhegan School District,
Ch. 170, P&SL 1949

In your memorandum of October 12, 1949, you detail the legislative history from the time the above-referred to Act was referred to the Legal Affairs Committee of the 94th Legislature until its final passage by the respective branches of that Legislature and its signature by the Governor of the State. Because of the necessary length of your statement of facts the same is not repeated herein, but it should be considered as incorporated herein by reference.