

# 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**

locally the stated purposes much in the same fashion as do school districts, water districts, sewer districts, etc.

It is to be noted that these districts may sue and *be sued*. While it is true that the statute states that a district organized under the provisions of the chapter shall constitute an agency of the State, it is to be noted also that such district is a public body corporate and politic, so that it is easily distinguished from State agencies created and acting as part of the executive branch of the State government. In other words, the districts are agencies for the carrying out of soil conservation projects, but are not agencies of government as those words are used when applied to the operation of the executive departments as such. Accordingly, while the State Soil Conservation Committee itself is bound by the Administrative Code as applicable to the various executive departments, the local Soil Conservation Districts are not so included.

JOHN S. S. FESSENDEN  
Deputy Attorney General

November 3, 1949

H. H. Harris, State Controller  
Re: Snow Removal—Airports

The Maine Aeronautics Commission has called my attention to the provisions of Section 167 of Chapter 14 of the Revised Statutes, as amended by Chapter 337 of the Public Laws of 1947 and Chapter 245 of the Public Laws of 1949. I advised them orally that it was my opinion that they could pay the Northeast Airlines for snow removal last winter from the federally owned airport in Presque Isle, from any unexpended balance, as they shall deem equitable. Chairman Gardiner of the Commission asked me to write you a memo to that effect and to send them a copy.

I wish to advise that it is my opinion that the Northeast Airlines having removed snow from the federal airport in Presque Isle last winter under the provisions of Section 167 and the amendment by Chapter 245, which provides that such assistance may be given for snow removal at federal, state or municipally owned airports used by commercial carriers of passengers and freight operating on a regular schedule, etc., may be reimbursed by the Commission as they deem equitable. While the amendment in Chapter 245 of the Public Laws of 1949 did not become effective until August 6, 1949, the Aeronautics Commission did not know what unexpended balance there would be or whether they could spend such funds to assist in the maintenance of the federally owned airport in Presque Isle or the removal of snow therefrom. Without considering this amendment I am advised by the Commission that the Northeast Airlines removed the snow from the federal airport, with the understanding that they would be reimbursed by the Maine Aeronautics Commission. I feel that the Commission has authority under the statutes cited to reimburse the Northeast Airlines from the unexpended balance in such amounts as the Commission shall deem equitable.

RALPH W. FARRIS  
Attorney General