

# 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**

purpose of defraying the expenses of administering the provisions of Sections 17 to 30, inclusive, of Chapter 44, R. S. Section 30, subsection I of Chapter 44, as amended by Chapter 390, P. L. 1949, provides the penalties for violation of the provisions of Sections 17-29, inclusive, or of any rule, regulation or order made or issued by the PUC pursuant to authority of the statute, and the penalty for violation of these statutes is by a fine of not less than \$10 nor more than \$500 or by imprisonment for not more than eleven months or both.

I am merely stating the law so that you can explain to the Maine Truck Owners Association that an increase in the fines by the municipal court judges for overloading would not increase the operating surplus of the PUC's funds and could not be used to further enforcement of the Commission's regulations and gross weight restrictions except by act of the legislature.

In regard to the east- and west-bound scales suggested to be installed in Kittery at the junction of U. S. 1 and the Turnpike, that is a matter to be worked out from a practical standpoint.

My only suggestion to you is that you might bring to the attention of the judges of the municipal courts, without encroaching upon the prerogatives of the courts, that these meagre fines of \$10 to \$25 for weight violations do not seem to deter those who insist on violating the overload law, because they will gladly pay a \$10-\$25 fine and do the same thing over again; but the judges can only go up to \$100 on fines for overloading, as I have outlined in this memo. . .

RALPH W. FARRIS  
Attorney General

November 25, 1949

To W. O. Bailey, Deputy Commissioner of Education  
Re: Planning and Research Questions *re* School Property

I have your memo of November 8th, stating that the superintendent of schools in Greenville has raised certain questions concerning school property. He states that the Station school in Jackman, which has been closed for a number of years, is located on land donated by the Coburn Heirs by deed stating that when the property is no longer used for school purposes it shall revert to the owners. The school authorities have been using it for storage purposes since no school has been held there, in order to hold it against such time as they might have to re-open it because of increased enrollment. He asks the following questions:

"1. Is the manner which we are using to hold this property legal, if not what steps should be taken?"

*Answer.* If the school committee is using this building for the storage of school property, it would be a legal use and the land would not revert to the owners. If they are using it for storage of property outside of school property, it would raise a question as to why the land should not revert to the owner. The only step to be taken to prevent reversion is to use the building for school purposes of some nature.

"2. Can the town or school committee legally rent that part of the building not used for storage, to any organization?"

*Answer.* If the school committee uses this building for storage for school purposes, as outlined in answering Question 1, it has no legal authority to rent any part of the building to any organization not engaged in educational or school work, as this would raise the question of whether or not the whole property was not subject to reversion, where part of it was used for other than school purposes.

"3. Can the town legally sell this building, which is set on a concrete foundation, with the understanding that it would be moved to another lot?"

*Answer.* It is my opinion that, on vote of the inhabitants on a proper article inserted in the warrant for town meeting, the town can sell this building if it desires to move it off the foundation.

My answer to Question 3 answers Question 4. Only the land reverts to the original owners under the provisions of the deed. This does not include the improvements. The schoolhouse itself belongs to the town. As long as the land continues to be used for school purposes, the land also will continue to belong to the town.

RALPH W. FARRIS  
Attorney General

November 25, 1949

To H. A. Ladd, Commissioner of Education  
Re: Normal School and Teacher College Trust Fund for Scholarships

Your memo of November 8th is at hand, relating to the provisions of Chapter 210 of the Resolves of 1949 creating a trust fund for scholarships to assist students in the normal schools and teachers' colleges of the State, and transferring \$50,000 from the unappropriated surplus to the general fund. This Resolve specifies that the annual expenditure shall not exceed \$25,000. You call my attention to that language of the Resolve which provides, in the last paragraph thereof, that the trust fund may be increased by sums donated by groups or individuals. Upon this statement of the language contained in the Resolve you ask if, in administering the provisions of Chapter 210 of said Resolves, year-end closing balances should lapse to the general fund or if they should become resources for the following year.

It is my opinion that in creating this trust fund the legislature intended that it may be increased by such sums as normal school alumni associations, student group activities, or individuals may wish to contribute to said fund for normal school students and did not intend that the appropriations from the general fund should lapse, as their intentions seemed to be to commingle the contributions of groups and individuals with the appropriation from the unappropriated surplus of the general fund. This should be a recurring item which can be supplemented by gifts from these groups named in the Resolve and by appropriations of future legislatures.

RALPH W. FARRIS  
Attorney General