

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

first be approved by the superintending school committee. A schoolhouse to be erected by a school district in a town comes within the purview of this act. It is a schoolhouse voted by the town and the statute provides that the plan for its erection shall *first* be approved by the superintending school committee.

It is pointed out in the case of *Lunn v. City of Auburn*, 110 Maine 241 at page 245 that not only should the plan be approved by the superintending school committee before such building is erected, but that it should be so approved before having the approval of your department or that of the State Board of Health, and that it is the building approved by the superintending school committee of the town which should have the approval of your department and the Bureau of Health. . .

NEAL A. DONAHUE

Assistant Attorney General

March 16, 1951

To Harold J. Dyer, Director, State Park Commission  
Re: Lamoine State Park

In your memorandum of March 13th you say that the question has arisen whether the Commission can dispose of Lamoine State Park and you give some of the history of its acquisition. As you have noted, it was deeded to the State of Maine in 1927 by the United States of America. In that deed the following provision is found:

“This conveyance is made upon the express condition and limitation that the said property hereby conveyed shall be limited to the retention and use for public use and upon cessation of such retention and use shall revert to the United States of America without notice, demand or action brought.”

Because of this condition and limitation the premises may not be conveyed or disposed of by the State Park Commission either with or without the help of the legislature, and any conveyance of the premises would entitle the United States to acquire them at once.

You will note that, while retained by the State, the premises must be used for public purposes. This does not necessarily mean that they shall be used for Park purposes, and it may be that some other use can be found for them which will still be a public use and will be acceptable to the Navy Department from which the premises were acquired. In that manner, with the assistance of the legislature, you may find a proper other use for the premises and so have the Park status thereof terminated.

NEAL A. DONAHUE

Assistant Attorney General

March 27, 1951

To Maine Real Estate Commission  
Re: Partnership of Husband and Wife

This office is in receipt of your letter of March 26th, inquiring whether or not it is legal for a man and wife to form a partnership and to operate as such.