

# MAINE STATE LEGISLATURE

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No

April 14, 1952

To John H. Maasen, Jr., Inland Fisheries and Game  
Re: Ruffingham Meadow

This is in reply to your memo, subject: Ruffingham Meadow land acquisition. You have asked for replies to five questions:

1) In order to clarify the situation, should your department petition the County Commissioners for a hearing so as to get their opinion on a fair price?

Answer. I believe that should be done.

2) Do the parties mentioned above (the supposed owners of the land) have the right to go on the land condemned by the State and run cattle, cut wood, etc.?

Answer. Until payment for the land has been made by the State the ownership is not changed.

3) What rights has the State in the property taken by condemnation but not yet paid for?

Answer. The State has the right to temporary occupation of the land as an incipient proceeding to the acquisition of a title to it which may become extinct by an unreasonable delay to perfect the proceedings, including payment of compensation.

4) What suggestions have I from a legal standpoint which would clear up this acquisition?

Answer. In view of the fact that you have made a reasonable attempt to get the owners to submit to what you deem to be a reasonable compromise price, but nothing has come of that, I believe you should yourself bring the request to the County Commissioners for the fixing of the value of the land to be taken.

5) Are there any legal difficulties which may be encountered by letting this matter run on for an indefinite period?

Answer. Yes. If the present owner from whom the land is to be taken should die or transfer his ownership, you would be put to a disadvantage and your proceeding would need to be commenced all over again. A reasonable period is given by law to make payment of the just compensation required by law, and should the payment be delayed beyond a reasonable period, the proceedings could not be followed through against the opposition of the land owners.

I note in your memorandum you state that there are parcels remaining in the ownership of the Town of Montville and two individuals. These could be handled through the regular channels.

You state that in addition to the above there remain about a hundred acres of land unclaimed, and you have no clue to the possible ownership. I would suggest that if ownership is lost by reason of abandonment, it would be lost to the State, and in the absence of any evidence to the contrary, there being no person paying taxes upon the land or claiming it, it may reasonably be assumed that these marginal areas on your taking, if not included, in the areas of any of the supposed land owners in that territory, have either been in the ownership of the State all the time, or have by someone been abandoned to the State. Such being the case, I think it fair to assume that acreages such as you have made reference to may, under these conditions, be deemed to be land of the State.

Neal A. Donahue  
Assistant Attorney General

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