

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

for the calendar years  
**1951 - 1954**

in violation of the laws be restored without loss of pay or seniority, and in all equity it can only be said that in such an instance the person be reimbursed from the department funds for that purpose.

JAMES G. FROST  
Deputy Attorney General

December 3, 1952

To Honorable Frederick G. Payne, Governor of Maine  
Re: Maine Maritime Academy – Request for Temporary Loan from Contingent Fund

By virtue of Chapter 24 of the Private and Special Laws of 1947, the Maine Maritime Academy was declared to be a public agency of the State of Maine for the purposes for which it was established.

We are of the opinion that the Maine Maritime Academy is such a public agency as can make a request upon the Contingent Fund, and if, in the opinion of the Governor and Council, the request is a necessary expense within the provisions of the law setting up the Contingent Fund, then such a transfer would be legal.

JAMES G. FROST  
Deputy Attorney General

December 29, 1952

To William O. Bailey, Deputy Commissioner of Education  
Re: Reimbursement to Towns for Architects' Fees

The following question has been submitted to us for our consideration and answer:

“Under what conditions, if any, is it legal for us to reimburse towns for architectural plans when such projects are financed by the Maine School Building Authority, and title is held by the Authority until the debt is amortized?”

The right to reimburse towns for architectural plans is given to your department by section 195 of Chapter 37 of the Revised Statutes of 1944, as amended. The law sets up a permanent school fund, and the interest therefrom shall be allocated to towns by the commissioner of education for the purpose of surveying school systems and developing school plans. The allocation shall not in any case exceed one-half of the cost of such survey or plans.

The problem here may arise from a misunderstanding of the true nature of the above-mentioned Authority and its relations with the towns. The Authority is merely a financing agency, and its legal relationship with the various towns is determined by a so-called lease. Under this arrangement the Authority holds legal title; the town pays rent; when the entire obligation is liquidated, the Authority must convey the property to the lessee town.

Is the lease a real lease? Our Law Court has spoken on this subject in passing upon a similar lease, designed to carry out the very purpose for which