

# MAINE STATE LEGISLATURE

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May 13, 1955

To John N. Levine, Officer-in-Charge, Maine Task Force, Federal  
Civil Defense Administration

. . . In relation to hurricane disaster applications you inquire as to the status of the following bodies: Village Corporation (Ogunquit), Caribou Utilities District, and Prentiss Plantation. With respect to these bodies you inquire if they are instrumentalities of the State, i.e., some form of municipal government or whether they are private organizations.

Village Corporations are really considered in our State to be a form of municipality. For instance, the charter of the Ogunquit Village Corporation grants to them the right to maintain a fire department, streets, sewers, police, schools, to lay out ways, etc. Our court in the case of Paul v. Huse, 112 Maine 449, declared a village corporation to be a municipality and that such corporation, being granted the power to create a debt, has the right to assess taxes to pay the debt. Normally, a village corporation is a small, compact area of a larger municipality which can, by virtue of its geographical location, be isolated from the remainder of the municipality and thereby obtain greater benefits for its citizens because of its peculiar location.

The Caribou Utilities District was created by an Act of the Legislature, Chapter 64 of the Private and Special Laws of 1941. It is a body politic and corporate. Its trustees are elected by the town council, and the Legislature expressly declared the District to be a quasi-municipal corporation. It is not privately owned.

Prentiss Plantation is an instrumentality of the State. Under the provisions of Chapter 1, Section 3 of the Revised Statutes of 1954, the State of Maine is divided into counties, districts, towns, plantation, and unorganized territories. Prentiss has been at one time or another an unorganized territory and an organized town and is presently a plantation.

We would suggest, if you require further and more specific details as to the above categories of instrumentalities of the State, that you request from each a copy of its charter. Like regular municipalities, such corporations could exercise only those powers which are specifically granted to them or necessarily implied.

James Glyn Frost  
Deputy Attorney General

jgf/c