

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

man or agent of such dealer under the provisions of the following sections.”

Section 231 of said chapter defines “dealer” and “securities,” and so much of the definition of “securities” as relates to real property is herewith quoted:

“The term ‘securities’ shall include . . . all documents of title and certificates of interest . . . in the title to or any profits or earnings from land or other property situated outside of Maine. . . . The term ‘securities’ shall further include documents of title to and certificates of interest in real estate, including cemetery lots, and personal estate when the sale and purchase thereof is accompanied by or connected in any manner with any contract, agreement or conditions, other than a policy of title insurance issued by a company authorized to do a title insurance business in this state, under the terms of which the purchaser is insured, guaranteed or agreed to be protected against financial loss, or is promised financial gain.”

As embraced by the law relating to dealers in securities, it thus appears that documents of title or certificates of interest in real estate are considered “securities” in two instances: 1) When the document or certificate relates to land outside the State; 2) When the document or certificate relates to land in the State and that document or certificate was accompanied by such contract as is mentioned in Section 231.

The above quoted definition of “securities” is clearly worded and embraces a situation where a person sells, offers for sale, or invites offers or inquiries about land situated outside the State of Maine.

To be properly qualified for such an activity, one so engaged should be registered to sell securities.

JAMES GLYNN FROST

Deputy Attorney General

May 7, 1958

To Lloyd K. Allen, Manager Industrial Building Authority

Re: Taxation of Industrial Property

I have your memorandum of April 24, 1958, requesting an opinion on the taxes on industrial properties which the Maine Industrial Building Authority has insured.

Section 10, Chapter 91-A, Revised Statutes of 1954, exempts the property of the State of Maine from taxation. Therefore, property owned by the Maine Industrial Building Authority after default and foreclosure would not be taxable.

Section 3, Chapter 91-A, Revised Statutes of 1954, provides for the taxation of real and personal property within this state. A town has no authority to exempt anyone from taxation, and it is my opinion that the occupant of an industrial project will be required to pay a tax. In your publicity, I would not advise that it be indicated that there will be tax concessions for industries moving into this state.

Please note in Section 8, par. V, Chapter 32-B, Revised Statutes of 1954, that the mortgage must contain such terms with respect to payment of taxes and assessments as the authority may prescribe.

GEORGE A. WATHEN  
Assistant Attorney General

May 7, 1958

To Roland H. Cobb, Commissioner of Inland Fisheries and Game

Re: Lease of Seaplane Base

We have your letter of April 28, 1958, and the attached letter from Paul Fichtner, M. D.

Dr. Fichtner would like your department to make its seaplane base at Rangleley Lake available for public use, and you inquire as to how this might be done legally.

There is no general statutory authority for a State department to lease its property for any purpose. There are isolated instances in which a department, such as Forestry, the Park Commission and the Aeronautics Commission, may lease its property, such authority being granted by statute. Lacking such legislative authorization, it would be necessary for the legislature to enact a law authorizing such leasing of State property.

JAMES GLYNN FROST  
Deputy Attorney General

May 7, 1958

To Charles P. Bradford, Superintendent, Park Commission

Re: Digging Clams in State Parks

. . . It appears to us that if the Park Commission does not wish local clam diggers to dig within the boundaries of Reid State Park, then such activity could be prohibited by a rule and regulation properly promulgated.

We believe there is sufficient authority in the Park Commission to enact such rule and regulation.

JAMES GLYNN FROST  
Deputy Attorney General

May 9, 1958

To Ruth A. Hazelton, State Librarian

Re: Film Cooperative Contract

We have your memo of April 29th, which reads as follows:

"The State Library is considering joining a cooperative film group consisting of the state library agencies of Maine, New Hampshire and Vermont. The enclosed contract has been drawn up by the New Hampshire State Library and has been approved by the Attorney General of New Hampshire.