

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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There is no authority for credit unions to purchase or deal in real estate; therefore, it is my opinion that State chartered credit unions cannot do so. This opinion does not imply that a credit union may not make loans secured on mortgages on real estate, nor is it intended to dissuade a credit union from pursuing any legal remedy in the event of the default of a mortgage loan.

GEORGE A. WATHEN
Assistant Attorney General

August 5, 1959

To: Robert G. Doyle, State Geologist, Economic Development

Re: Certain legal questions raised by the Beers Co. concerning their impending lease negotiations with the Mining Bureau

I have your request for an opinion concerning the rights of lease holders on public lands.

The basic issue is the relationship between the holders of grass and timber rights and the holders of mining rights on this land.

Section 8 of Chapter 39-B provides that a person who has located a claim and been issued a mining lease:

“. . . shall have the right of way across any lands owned or controlled by the State to and from said location, and the right to take from public reserved lots all wood and timber necessary to be used in the operation of the mine, by paying to the State or to the owner of the right to cut timber and grass, a fair and just price for the same.”

From this language it would appear that there will be no difficulty between the different lease holders. This statute sets out the rights and duties of each.

GEORGE A. WATHEN
Assistant Attorney General

August 6, 1959

To: Fred L. Kenney, Director, Administrative Services, Education Department

Re: Computation of Subsidy under the Sinclair Act

I have your request for an opinion regarding the following questions:

Question 1: How are the subsidies computed in the case where an individual town is admitted after January 1 of the legislative year to a school administrative district in existence on that date?

This question is based on the law which will become effective on September 12.

It is my opinion that we should use the town computation plus 10% in addition to the district's own computation to arrive at the total computation for subsidy. A new district is not being formed, but this is merely