

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1959 - 1960**

MAINE STATE  
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give chattel mortgages to the mortgagee on personal property used in the operation.

You have requested our opinion regarding your right to purchase these chattel mortgages in case of default of the tenant under the terms of the lease.

One must assume by your query that the mortgage is in default and the Authority is called upon to make payments pursuant to the mortgage insurance.

It is my opinion that Section 10-A, Chapter 38-B of the Revised Statutes of 1954, gives authority to take an assignment of a chattel mortgage for the purpose of safeguarding the mortgage insurance fund.

GEORGE A. WATHEN  
Assistant Attorney General

August 10, 1960

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

Re: Great Ponds — Bulldozing in

We have your letter of July 28, 1960 and the attached copy of a letter from R. M. Hussey, Secretary, Assoc. Sportsmen's Clubs of York County, Inc. addressed to you.

It appears from Mr. Hussey's letter that he desires to know the legal aspects concerned with one's bulldozing a long, narrow, 20-foot high hogback extending into a lake, so that after bulldozing, the hogback is 5 feet high, can accommodate a road and camps, where theretofore it could not, and resulted in the deposit of substantial spoil into the lake.

It is our opinion that the waters of a great pond (a lake over ten acres in size) and the land under those waters, belong to the State in trust for the people. Activities on the pond which deny to the State and its people their rightful use of the lake must be authorized by the legislature.

No department, to our knowledge, has funds for enforcing this law. It has been customary, however, in cases where such a trust is violated, and where a group of people feel sufficiently aggrieved at such violation that they care to bring suit, for the Attorney General to lend his name in a proper proceeding where such use of his name is necessary in order that the court can exercise its jurisdiction. The cost of such proceeding is borne by the complaining parties.

We hope the above information will be helpful to you.

JAMES GLYNN FROST  
Deputy Attorney General

August 10, 1960

To: Carleton L. Bradbury, Commissioner of Banks and Banking

Re: Authorized Expenditures for Training Personnel

We have your memo of August 2, 1960 in which you inquire as to the propriety of expending funds for a training program for your department employees.