

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.

You make the following statement concerning such program:

“With respect to the evaluation of the capabilities and potential of individual employees, however, it appears that specific authority is included in amendments to Section 2 of Chapter 59 made at the last Legislature wherein the sentence “The Commissioner may train his employees or have them trained in such manner as he deems desirable, at the expense of the Department” was added to this Section. Under this Section of the law we have put into effect a training program which, among other things, utilizes outside training facilities to provide guidance, advice and instruction to selected examiners in order that they may become more expert in their specific fields. An integral part of this training program is the selection of the right man for the right training. The work of these consultants is limited to the evaluation of individual employees for this specific purpose. It is not in the nature of a general administrative survey and evaluation such as has been authorized for several departments in past years and accompanied by appropriations to cover the cost of the same. Use of independent consultants for this purpose seems to be tied directly to this authorization now contained in Section 2.”

The amendment to Section 2 of Chapter 59 referred to in the above quote was enacted by Chapter 178, Section 3, Public Laws of 1959.

You then ask: “Would you please advise me if you consider the Legislative reference in Section 2 with respect to expenditures for training purposes sufficiently specific to continue our training program.”

Answer: Yes.

JAMES GLYNN FROST
Deputy Attorney General

August 15, 1960

To: Governor John H. Reed

Re: Maine Central Railroad Co. Passenger Service

Relative to your meeting this afternoon on the above matter, the following is offered.

Upon a petition filed by the Maine Central Railroad Co. with the Public Utilities Commission on July 8, 1959 seeking authority to discontinue all passenger train service, the Commission on January 14, 1960 granted discontinuance of service via Lewiston-Auburn, but ordered the Railroad to continue operating, for a period of not less than one year, four trains furnishing service; one from Portland via Augusta to Bangor; one from Portland via Augusta and Bangor to Vanceboro, and similar return trains.

On appeal taken by the Railroad Co. to the Maine Supreme Court, the Court upheld the contentions of the Railroad that continued passenger service would be an oppressive financial burden and ordered the Public Utilities Commission to issue a decree authorizing discontinuance of all passenger service.

Immediately after the Supreme Court decision was rendered, the Public Utilities Commission and its lawyers discussed the possibility and