

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

Education or superintending school committee and any school which received any direct state aid in 1950, and municipal tuition funds amounting to at least the amount of such state aid, during the same year.”

The academies in question are not participating districts of our system under the provisions of section 17, subsection VII, chapter 63-A (a section authorizing any educational institution in the State teaching courses equivalent to or higher than secondary institutions to participate in the benefits of the system) but are members of the system by virtue of coming within the definition of “public school” above quoted — because they received direct State aid in 1950, and municipal tuition funds amounting to at least the amount of such State aid, during the same year.

Participating in our System by virtue of such statutes, the statutes remaining unchanged, compels the conclusion that the teachers of such schools remain in the System and the academies may not withdraw from participation in the System.

JAMES GLYNN FROST

Deputy Attorney General

June 7, 1961

To: Lawrence Stuart, Director of State Park Commission

Re: Park Regulations in Town of Cape Elizabeth

We have your request for an opinion as to the applicability as to town regulations on State owned land at Crescent Beach and the question of whether or not the Police Department of the Town of Cape Elizabeth has authority to enforce the ordinance.

Although no city can exercise control over State property that will interfere with the authority of the State, “The city laws may be enforced upon state territory as elsewhere so long as they do not encroach upon its sovereign rights or powers. State and county property are frequently within the limits of municipalities.” McQuillin Municipal Corporations, Volume 2, page 307. See also *Day v. City of Salem*, 131 Pac. 1028 (Oregon, 1913).

It is our opinion, therefore, that ordinances adopted by the Town of Cape Elizabeth, when not conflicting with State Park regulations, are applicable to the Crescent Beach property and can be enforced by the Police Department of the Town of Cape Elizabeth.

We also notice that you request an opinion as to whether municipal police have authority to enforce State Park Commission rules and regulations inside a park within that municipality. Again we point out that the municipal police departments of the various towns have authority to enforce the rules and regulations on State owned land providing that enforcement in no way conflicts with the interests of the State. It is, therefore, our opinion that the Police Department of the Town of Cape Elizabeth has authority to enforce State Park Commission rules and regulations, and any other State law, within the confines of the State property located at Two Lights.

THOMAS W. TAVENNER

Assistant Attorney General