

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

220
✓
April 4, 1962

Austin H. Wilkins, Commissioner

Forestry

Thomas W. Tavenner, Assistant

Attorney General

Timber Salvage Operation (Megalloway Plantation)

We have your request of March 22 for an opinion with regard to the sale of timber, both standing and cut, which remains on the public lot in Megalloway Plantation after the stumpage contract granted to Charles Brown had expired. We understand that you are requesting our opinion on two questions; the first of these being whether or not the State can sell this remaining timber on a stumpage basis to a person other than the said Charles Brown. The second question is whether or not such a sale may be made without advertisement and notice as required by Revised Statutes Chapter 36, section 50.

The contract under which Charles Brown cut on the lot in question expired by its own terms on May 1, 1960. This time was extended to May 1, 1961 and has now expired. According to the terms of the contract, Mr. Brown no longer has any right to enter onto this land. Furthermore, the contract in question also contains the stipulation that if payment for stumpage is not made within ten days, then the Commissioner shall have full power and authority to take all or any part of the lumber and dispose of it. Under both of these provisions all rights of Charles Brown in the lumber remaining on this public lot have expired. This lumber now belongs wholly to the State of Maine and can be disposed of in accordance with Revised Statutes Chapter 36, section 50.

The above chapter and section clearly requires that all stumpage sold off public lots must be advertised for sale and a notice thereof published for three successive weeks in a newspaper published in the county where the land is located. It is our opinion that the timber in question belongs to the State just as if Charles Brown had never had any stumpage agreement. For this reason, any subsequent stumpage agreement entered into with regard to this same land must be advertised as set forth above.

TWT:H

Thomas W. Tavenner
Assistant Attorney General