

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

person who broke the glass, the Council, in almost all circumstances, would be entitled to reimbursement by such person.

LEON V. WALKER, JR.

Assistant Attorney General

September 27, 1962

To: Major General E. W. Heywood, Adjutant General

Re: Plowing and maintenance of road from Blaine Avenue to Airport Building

In order to answer the questions contained in your memo of 12 September, I have examined the records of the County Commissioners and the various deeds by which the State acquired title to the airport property.

The proposed use of the land does not appear in any of the deeds. In 1933 the municipal officers of Augusta petitioned to have so much of Winthrop Street as lies between the westerly line of Blaine Avenue and the westerly line of the Muster Field discontinued, to "permit development of the Muster Field as a commercial airport." On April 17, 1934, the County Commissioners ordered "that said road be discontinued as prayed for in said petition." Petitioners then appealed to the Superior Court with no reason given. In 1936 the appeal was dismissed by agreement.

In view of the above, the answer to your first question is that the Adjutant General does not have responsibility for snow plowing and maintenance of the above-described section of Winthrop Street. In view of this opinion, the second question does not require answer.

Since the State owned the land on both sides of the discontinued section of road, it previously owned the road subject to the public easement, and it is now obligated for snow removal and other necessary maintenance.

LEON V. WALKER, JR.

Assistant Attorney General

October 8, 1962

Paul L. Powers, Esq.

Attorney at Law

Freeport, Maine

Re: Harraseeket Yacht Club

Dear Mr. Powers:

Your letter of October 3, 1962, has been forwarded to me for answer.

In the second paragraph of your correspondence you mentioned that the "property owned by this corporation should be exempt from taxes under our statutes." I presume that the exemptions referred to are those found in Chapter 91-A, section 10.

You will note that Section 10, II, speaks of benevolent and charitable institutions. Benevolent associations are those which are philanthropic, humane, having a desire or purpose to do good to men, according to *Black's Law Dictionary*, 4th Edition. See also the definitions concerning benevolent associations and charitable corporations in the same volume.