

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**

✓
✓
November 23, 1971

James S. Haskell, Jr., Executive
Director
E. Stephen Murray, Assistant

Maine Land Use Commission
Attorney General

Jurisdiction of Maine Land Use Commission over Mainland Plantations.

SYLLABUS:

Mainland, as well as island, plantations are subject to the provisions of 12 M.R.S.A. §§ 681-689 as enacted by P.L. 1969, c. 494 and amended by P.L. 1971, c. 457, hereinafter called the Maine Land Use Regulation Law.

QUESTION:

Are mainland plantations included within the definition of "unorganized and deorganized areas" in 12 M.R.S.A. § 682.1 and thus subject to the provisions of the Maine Land Use Regulation Law?

ANSWER:

Yes.

REASONING:

"Unorganized and deorganized areas" of the State of Maine are subject to the provisions of the Maine Land Use Regulation Law pursuant to the provisions of 12 M.R.S.A. §§ 683, 685-A and 685-C, as amended. 12 M.R.S.A. § 682.1 defines these areas as follows:

"Unorganized and deorganized areas shall include the unorganized and deorganized townships and mainland and island plantations of the State and shall not include Indian reservations."

If the words "townships" and "mainland" do not describe the same land areas, it could be argued that the words "unorganized" and "deorganized" modify both the words "townships" and "mainland". (Alternatively, it could be argued that the words "unorganized" and "deorganized" modify only "township" and "mainland" and "island" modify "plantations".) If the words "townships" and "mainland" do include within their meanings the same land areas, then one of these two words would be redundant unless "mainland" is read to modify "plantations".

In the State of Maine a township is a mere geographical division of territory into an area 6 miles square and is not, as it is elsewhere in the United States, a political subdivision of the State. The word "mainland" is not defined by statute and thus should be afforded its ordinary meaning so long as that meaning is consistent with the legislative intent of the statute within which it appears. That is, the word "mainland" means simply "a continuous body of land constituting the chief part of a country or continent" and obviously includes with it those areas of the State known geographically as "townships". Thus, it would appear that the word "mainland" includes "townships".

Therefore, to avoid a construction of the statute which would result in the word "mainland" or the word "township" being redundant, because it is to be assumed that the Legislature did not intend that any word in a statute be redundant, one must construe "mainland" as modifying the word "plantation".

Finally, since the environmental harm likely to result from the uncontrolled development of "mainland plantations" is similar to the environmental harm likely to result from the uncontrolled development of "island plantations", it is reasonable to conclude that the legislative intent was to subject "mainland plantations" as well as "island plantations" to the jurisdiction of the Maine Land Use Commission.

In short, "where the language of a statute is plain, it must be given its plain and obvious meaning". Pease v. Foulkes, 128 Me. 293, 147 A. 212 (1929).

E. STEPHEN MURRAY
Assistant Attorney General