

# 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)

County, Location of County Building  
York County Jail  
30 MRSA 302

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

April 1, 1977

Honorable Peter W. Danton  
Senate Chambers  
State House  
Augusta, Maine

Dear Senator Danton:

This letter responds to your oral request for an opinion of this office on the following question:

"Would the provisions of P.L. 1977, Chapter 6, allow the County of York to build a new jail on land which has been purchased by the County within the Town of Alfred, more than 1/2 mile from the old York County Jail site?"

The answer to your question is affirmative for the reasons stated below.

Authorization to raise and expend money for construction of a new county jail was given to York County by P. & S.L. 1973, c. 79. Section 1 of that chapter provided that the new jail was ". . . to be located on county-owned property adjacent to the present county jail." This provision was amended first by P. & S.L. 1975, c. 141 (later repealed) and finally by P. & S.L. 1975, c. 144, §2. The amendment among other things, deleted the words "adjacent to the present county jail" so that the only requirement was that the jail be located on county-owned property.

The legislation referred to in your question, P. L. 1977, c. 6, amends 30 MRSA § 302, first sentence. Section 302 had provided that "The county commissioners shall not remove a county building in the shire town or erect a new one instead

Honorable Peter W. Danton


April 1, 1977

Page Two

of it more than 1/2 mile from the former location without first giving notice of their intentions. . ." and conducting an election upon the question. The effect of P. L. 1977, c. 6, is to eliminate the restriction concerning removal or construction more than 1/2 mile from the previous site. As 30 MRSA § 302 presently reads, the county commissioners may construct a new county building without the notice and election provisions applying, so long as the building is located within the shire town. Chapter 6 was enacted on an emergency basis and approved by the Governor on February 17, 1977. The amendment is presently effective.

We note that Alfred is the shire town of York County. Therefore, since the county commissioners are not limited by the enabling legislation and since P. L. 1977, c. 5, would allow construction of the county jail within the Town of Alfred, it is our opinion that these provisions would permit the county to build a new jail on land purchased by the county within the Town of Alfred even though that property is located more than 1/2 mile from the old York County Jail.

Sincerely,

  
JOSEPH E. BRENNAN  
Attorney General

JEB/sks:we