

MAINE STATE LEGISLATURE

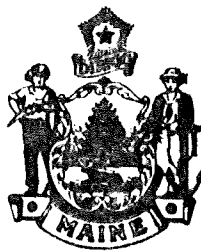
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JAMES E. TIERNEY
ATTORNEY GENERAL



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

February 18, 1982

Honorable James A. McBreairty
Maine Senate
State House
Augusta, Maine 04333

Dear Senator McBreairty:

I am writing in response to your memorandum of February 17, 1982, in which you pose the following question:

Under the Act to Establish Municipal Cost Components for services to be rendered to the People in the Unorganized Territory, can the State assess the properties in the unorganized territory for services being provided them that are being provided Plantations and Municipalities free?

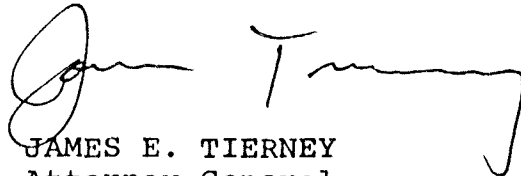
By way of preface, I should note that your inquiry is of a very general nature. We have learned from experience that responding to such general questions carries the danger that there may be some omitted fact or facts which could affect our conclusion. With that caveat in mind, I shall proceed to answer your question.

I believe that our opinion of May 19, 1981, addressed to Senator Teague and Representative Post, essentially resolves the problem you have raised. In that opinion, we set forth the general proposition that "the unorganized territory tax may be used to fund those services provided by the State which constitute a special benefit to the unorganized territory. . . ." More specifically, on the

top of page 4, we concluded that services provided by LURC in the unorganized territory should not be funded from the unorganized territory tax if those same services are provided by the State in organized areas with funding from state-wide tax revenues. This same principle would apply to the provision of services by other State agencies.

I am enclosing a copy of our prior opinion, and I would refer you to that document for a more detailed analysis of this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Tierney". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

JAMES E. TIERNEY
Attorney General

JET/ec

cc: Representative Bonnie Post
Senator Thomas M. Teague