

MAINE STATE LEGISLATURE

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Portland, August 26, 1920.

Honorable Governor and Executive Council,
Augusta, Maine.

Gentlemen:

You have asked for an opinion as to what ~~find~~ the expense of maintaining detour roads around State Highways in the process of construction shall be charged, and I beg to advise that in my opinion it is properly chargeable to moneys appropriated for construction of such state highways including the proceeds of bonds issued under the provisions of Chapter 130 of the Public Laws of 1913 and acts amendatory thereof and additional thereto, as also bonds issued under the provisions of Chapter 251 of the Public Laws of 1919.

By Section 7 of Chapter 130 of the Public Laws of 1913, the Highway Commission was given permissive authority to construct detour roads in the following language:

"The Commission may establish detour roads during the construction or repair of State or State Aid Highways and may authorize the expenditure of such sums as it deems necessary to make the same safe for travel".

By Chapter 258 of the Public Laws of 1917, the authority to establish detour roads was made mandatory and limited to construction of State Highways, the provision as to detour roads of state aid highways being eliminated.

"Whenever it becomes necessary to close state highway to travel on account of construction, before such state highway is closed, the Commission shall establish the most practical detour road around the state highway to be constructed, have the same properly signed at all intersecting roads or streets indicating the principal town or city in either direction and cause the detour road to be put in proper condition to withstand the travel, and maintained in such condition until the state highway being constructed is open to travel."

The duty of the Highway Commission is clearly and plainly set forth and, of course, must be performed. By the amendment, a detour road is now authorized and required in case of state highways, and in my opinion is to be deemed a part of the state highway construction and just as necessary and important as any other part of the work and just as properly chargeable as an expense incurred in the course of construction as any other expense incidental thereto.

Very truly yours,
(Sgd) G. H. Sturgis,
Attorney General.