

MAINE STATE LEGISLATURE

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October 25, 1923

To State Highway Commission
Re; Obstruction to Highway

Referring to the matter of C. E. McAllister at Burnham, in which you have asked this office for an opinion as to your right to remove the obstructions placed in the ditch along the highway in front of Mr. McAllister's garage, you are advised that in our opinion the Highway Commission has ample power and authority to, at any time, remove any obstacle or obstructions which obstruct the way, render its passage dangerous, or are likely to render the highway impassable.

If you are satisfied from the information at hand that Mr. McAllister has actually filled up the ditch in such a manner as to make it likely that the road will be damaged from water accumulated on account of such obstructions, you have in our opinion a perfect right to remove the obstructions and to use such force as may be necessary therefor.

In addition to your right to remove the obstructions, it is our opinion that Mr. McAllister has by his acts rendered himself liable to prosecution under the provisions of Sections 82 and 82 of Charter 24 of the Revised Statutes.

William H. Fisher
Deputy Attorney General

WHF/MCS