

# MAINE STATE LEGISLATURE

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May 3, 1926

To the State Highway Commission  
Re: Third Class Road,-Location.

. . . I have to inform you that the work on a designated road must continue until another location is filed, described and recommended by the municipal officers and approved by the State Highway Commission. The vote of the town can only be advisory to the municipal officers in making their recommendation. . .

The location, description and recommendation must come to the State Highway Commission from the municipal officers. There is no provision of law whereby the voters of the town in town meeting assembled can make such designation or recommendation. . .

I am enclosing copy of Chapter 169 of the Public Laws of 1925, which provides that in case a majority of the municipal officers are unable to agree upon the designation of a third class road, it shall then be the right of the Highway Commission to make such designation and proceed with the construction of the road as provided in this act. . .

(Note. The above concerned a road in Farmington. Much of the opinion has been omitted as unintelligible without the questions on which it was based. A letter of June 28, 1926, about the same road, apparently, quotes briefly from P&SL 1926, c. 169 and Chapter 263, Public Laws of 1919. It concludes:

I think the practice has been for the municipal officers of the towns and cities to proceed with the road construction in accordance with the suggestions of the Highway Commission. This method seems to be necessary in order to assure the town that the work when completed will be acceptable to the State Highway Commission.)

Sanford L. Fogg  
Deputy Attorney General