

MAINE STATE LEGISLATURE

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PUBLIC DOCUMENTS

OF THE

STATE OF MAINE

BEING THE

REPORTS

OF THE VARIOUS

**PUBLIC OFFICERS
DEPARTMENTS AND
INSTITUTIONS**

FOR THE TWO YEARS

JULY 1, 1926 - JUNE 30, 1928

PUBLIC DOCUMENTS, 1926-28

(Explanatory Note)

Three reports in this volume cover periods in variance with the given biennium. They are as follows:

1. The report of the Attorney General covers the period from 1924 to 1928.
2. The report of the Bangor State Hospital covers the period from 1919 to 1928.
3. The report of the department of Inland Fisheries and Game covers the fiscal year ending June 30, 1928. No printed report was made for the fiscal year ending in 1927.

STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1928

sive with the exterior limits of the way and that any obstruction placed within the limits of the way amounts to a nuisance both at common law and by statute.

The public is not necessarily limited to the travelled part of the right of way, but have the right to go outside the travelled part without hindrance and our court has held that any traveller whose rights are interfered with by any obstruction may remove same to secure his passage for himself, agents and servants, provided in the removal of the obstruction he uses due care so as not to do any more damage to the same than is necessary to secure passage over the way.

Yours very truly,

SANFORD L. FOGG,
Deputy Attorney General.

August 30, 1928.

State Highway Commission, Augusta, Maine.

GENTLEMEN: Attention: Lucius D. Barrows, Chief Engineer.

Answering your letter of August 27th, in regard to the erection of stop signs under the provisions of Chapter 138, Public Laws of 1927, which act provides that the State Highway Commission may designate certain state and state aid highways as through ways, and it is further provided that no such designation of a through way shall become effective to traffic at such point of intersection until the State Highway Commission shall have caused suitable warning signs and signals to be erected at or near points of intersection.

It is my opinion that the State Highway Commission is not compelled, personally or by its employees, to erect the stop signs, but that the Commission may employ the selectmen of a town to erect these signs.

You will note that the designation of through ways is confined to state and state aid highways which, in the case of ways in villages, may not be applicable. The chief thing to ascertain is as to whether or not any particular way is in fact a state or state aid highway. If it is, the Commission have the right to designate such highway as a through way whether in village, city or open

country, and having made such designation, may cause the necessary stop signs to be erected.

Yours very truly,

SANFORD L. FOGG,
Deputy Attorney General.

April 5, 1928.

Hon. J. W. Hanson, Chief, State Highway Police, Augusta, Maine.

DEAR SIR: This department is in receipt of your inquiry relative to the rights, duties and authority of members of the State Highway Police under Section 2 of Chapter 144, Public Laws of 1925.

The section in question reads as follows:

"The specific duties of the state highway police shall be to patrol the state highways and other important ways, especially outside the compact portion of cities and towns, for the purpose of enforcing the provisions of this act and all laws relating to motor driven and horse drawn vehicles and all rules and regulations in regard thereto, and of arresting all violators thereof and prosecuting all offenders against the same. The chief and members of the state highway police shall have the same power to serve criminal processes against such offenders as sheriffs and also the same power as sheriffs have to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the state until a legal warrant can be obtained. They shall immediately report by telephone or other expeditious means to the proper authorities all information and complaints by them received concerning the commission of any crime, and shall have the same rights as sheriffs to require aid in executing the duties of their office. They may serve any subpoenas, notices and processes issued by the secretary of state or the state highway commission under authority of this act or chapter two hundred and eleven of the public laws of nineteen hundred and twenty-one and acts amendatory thereof. They shall also at all times be subject to the call of the governor for emergency purposes at his discretion.

The state highway police, sheriffs and deputy sheriffs, constables, city marshal and deputy marshals and police officers of cities and towns shall so far as possible cooperate in the detection of crime, the arrest and prosecution of criminals, and the preservation of law and order throughout the state."