

MAINE STATE LEGISLATURE

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April 11, 1929

To State Highway Commission
Re: "Construction", as used in Amendment to Bridge Act

I have your inquiry of April 4th, regarding the interpretation to be given to the act which is printed as H. D. 391.

Substantially you inquire as to whether the word "construction" in Section 3 applies to cases where work at the location of the bridge has not started but preliminary action has been taken, for instance, the holding of hearings regarding a proposed bridge, and receiving the petitions, in some cases from towns which have town money available and in other cases from towns which have not.

My interpretation is that the word "construction" means actual work at the location of the bridge.

This would not apply where plans have been drawn up, but excavation and construction work not begun. The only case in the Court Reports which I find on the subject is Paterson R. R. Co. v. Paterson, 81 N. J. E. 124. In this case it was held that construction implies the performance of work, the fitting of an object for use or occupation in the usual way and for some distinct purpose; putting together the constituent parts; to build, fabricate, form and make.

The act refers to all bridges on which work at the location is begun after January 15, 1929, which would apparently be Class 1 of the four to which you refer.

Clement F. Robinson

See his further opinion, April 24, 1929.