

# MAINE STATE LEGISLATURE

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April 24, 1929

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

Supplementing, after conference with you, my letter of April 11th, with reference to the act which is printed as H. D. 391, there is this to say:

Although the word "construction" in Section 3 definitely carries the idea of actual work, as stated in my previous letter, nevertheless it may well be held that the legislature could not have intended to invalidate certain completed arrangements although they fall short in some respects of actual building operations.

In a case where prior to January 15, 1929, everything had been done by town, county and state toward construction of several bridges and actual building operations conducted on part of these bridges under the then existing laws, these arrangements should stand protected and all the bridges contemplated in the transaction should be completed, even though building operations had not been completed on some of the bridges.

Caribou seems to be a case in point. Here, as I understand it, town, county and state had each done its part. The arrangement for building several bridges was completed and one bridge actually constructed. Here it may well be said that the construction of one of the bridges under this completed arrangement was sufficient to bring all three of the bridges within the provisions of the old act, notwithstanding the fact that actual building operations on some of the bridges had not begun by January 15, 1929. This Caribou case is an extension of the first one of the four classes mentioned in your letter of April 4th. ( 1. Hearings held, construction approved, town money available, construction of some of the bridges begun; 2. Hearings held, construction approved, but no town money available and no construction started; 3. No hearings, consequently no construction started, but town money available; 4. No hearings and no town money.)

In the other three cases which you mention, the arrangement was not complete January 15th and presumably was still incomplete at the time when the legislature passed the new act. It would be immaterial how this incompleteness occurred, for instance, because hearings were not set, and no town appropriation was made. The point in classes 2, 3 and 4 of your letter is that no construction whatever had been started by January 15th, and there was no completed outstanding arrangement putting the situation beyond the control of the legislature to modify.

Clement F. Robinson  
Attorney General