

MAINE STATE LEGISLATURE

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May 16, 1929

To State Highway Commission
Re: Designation of State Aid Highway

In answer to your oral inquiry I would call your attention to Section 16 of Chapter 25 of the Revised Statutes, which provides:

"Municipal officers shall designate such practicable systems of public ways within their jurisdictions as will best serve outlying communities, connect adjoining towns and villages, and facilitate travel in reaching markets, railroad connections and state roads; due consideration being given to cost as well as distance and volume of travel. Suitable description of each such way shall thereupon be presented to the commission for its approval and upon the same being approved and accepted by the commission, said way shall be established and known as a state aid highway."

After the way has been designated by the municipal officers and approved and accepted by the commission, then the commission shall construct and maintain such system as is provided by Section 7 of said chapter, as amended by Chapter 258, Section 2, of the Public Laws of 1917, and as provided in Section 17 of said chapter.

You will also notice that Section 19 of the same chapter provides:

"Annually between the 15th day of July and the 15th day of August in each year, municipal officers shall prepare and file with the commission suggestions for the improvement during the next calendar year of state aid highways located in each town, accompanied by plans so far as practicable, setting forth the location of the highway and the nature of the improvement desired. The commission shall examine and report thereon with its recommendation to such municipal officers on or before the 20th day of February following, and such report shall be submitted to the voters of such town at the next regular meeting of such town. . . ."

You will notice that the provisions relating to the designation of State Aid Highways, in Section 16, require that the municipal officers of the town shall in the first instance make the designation and recommend the location of the way to be finally designated as the state aid highway in that town, and in Section 19 that the municipal officers shall prepare and file with the commission, suggestions for improvement during the next year, of state aid highways.

It has evidently been the policy of the State Highway Commission to endeavor to co-operate with the towns in all matters concerning the improvement of the highways, and that co-operation must be had

through and with the municipal officers elected by the town, and who have general charge of the town highways.

It seems to have been, in the enactment of the various highway highway statutes, the intention of the legislature to permit the municipal officers to decide and designate the highway on which the state aid money shall be expended in any given year, and to make its recommendations to the highway commission who usually approve and assent to the designation made by the municipal officers.

It seems to me that the past policy of the commission in the location and construction of state aid highways, to adopt as far as possible the designations and recommendations of the municipal officers is a wise one, and after such designation has been accepted, it seems to me that it would be unwise to change such designation, except for good cause, and then only on the recommendation of the municipal officers of the town.

Sanford L. Fogg
Deputy Attorney General