

# MAINE STATE LEGISLATURE

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September 18, 1930

To W. C. Beale, Eastport  
Re: Crops Grown beside the Highway

In answer to your recent letter as to whether or not blueberry owners own and control the strip of ditch land and the fruit thereon outside their actual line fences, I beg to inform you that the land owner adjacent to a way and owning presumptively to the center of the way may, subject to the public easement, make a reasonable use of the land even within the location of the way.

The public easement refers to the right of passage over the land within the limits of the way as against the owner of the land, to turn from the beaten path of the highway and use any part of it to pass and repass upon. If an owner of the land outside the traveled way desires to use same for raising crops or blueberries, he has a right to do so, subject always to the right of the public to pass and repass over it, but the public has no other rights with reference to whatever crop may be raised by the owner of the land.

Sanford L. Fogg  
Deputy Attorney General