

# 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, 1930 - JUNE 30, 1932**

STATE OF MAINE

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REPORT

OF THE

**Attorney General**

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for the calendar years

1931-1932

(2) The length of the approaches to a bridge are to be determined by the Commission in the absence of legislative definition.

(3) The state is responsible for a bridge which is on the dividing line between a town of less than ten thousand and a town of over ten thousand. Sec. 1 of the act places the general responsibility of all state highway bridges and approaches on the state, with the exception as stated. According to usual rules of statutory construction, the general expression prevails except where a case is clearly within the exception. Unless a bridge, viz,—a whole bridge,—is within the compact portion of a town of over ten thousand, the bridge is for the state to construct and maintain.

(4) It makes no difference whether at the present time a bridge is maintained by county, town or bridge district. The only requirement of the statute is that the bridge should be on a state highway as defined in section 2.

(5) Maintenance charges placed on railroads by order of the Public Utilities Commission are unaffected by the act. The purpose of the act is limited to public expenditures, its object being to place on the state certain expenditures now placed on counties, towns and bridge districts.

(6 and 7) Maintenance includes the cost of operation of a movable span for navigation purposes, and maintenance and power for lights.

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#### BUCKSPORT-VERONA BRIDGE

June 30, 1931

To State Highway Commission

You inquire as to the effect of P. & S. L. 1931, ch. 112, on the expenditure of bond issue funds for constructing the Bucksport-Verona bridge.

Prior to the convening of the recent legislature I filed an opinion to the effect that the bridge from Verona to Bucksport was outside the bond issue because it was neither a bridge from Prospect to Bucksport nor a bridge from Prospect to Verona, and could not be held as a matter of law to be "an approach" to the prospective bridge from Prospect to Verona.

Our law court held in *Starrett v. Highway Commission*, 126 Me. 212, that approaches are part of a bridge. It would follow that an approach to the bridge from Verona to Prospect is within the bond issue for constructing that bridge.

The legislature has now defined the bridge from Bucksport to Verona as an approach to the bridge from Verona to Prospect.

The court and *a fortiori* executive departments of the state must respect a definite legislative fiat unless it is clearly unconstitutional. I cannot say that the legislature has gone beyond its province in de-

fining this Bucksport-Verona bridge as an approach to the Verona-Prospect bridge. I find no decided cases where such a definition has been ruled upon by the courts. I cannot say that our court would rule it unconstitutional.

In my opinion, therefore, the legislative definition stands effective, and under it bond issue money can properly be applied on the Bucksport-Verona bridge.

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"COMPACT PORTIONS" OF TOWNS FOR STATE  
HIGHWAY PURPOSES

June 10, 1931

To State Highway Commission

I have your request for my interpretation of the law governing the expenditure of bond issue money on a state highway running through the compact portion of a city. You enclose copy of a letter from the commissioners of public works of South Portland.

Article LII, of the Constitution adopted September 9, 1929, provides for expending the proceeds of the bond issue in part for "the construction of the present system of state highways designated prior to April 1, 1929"; in part "for the reconstruction of state highways forming a part of that system heretofore constructed"; in part for "the construction of state highways hereafter to be designated"; and in part for "bridges."

The Commission has the power under R. S. ch. 28, sec. 8, to "lay out, construct and maintain a system of state . . . highways."

By that section the Commission is the "sole arbiter of the designation of the state . . . highways." State highways are paid for from state funds except where a town requests the expenditure of a joint state aid fund upon a certain state highway.

By sec. 13 of the same statute "no funds for construction derived from any bond issue shall be expended on any highway within the compact portions of any town, except in towns of less than five thousand inhabitants, such compact portions to be determined by the commission."

By sec. 7 of the same chapter expenditures by the Commission are "with the approval of the Governor and Council."

I find no express restriction on the power of the Commission, under sec. 13, to determine what is a "compact portion." The only statutory reference to a "compact portion" occurs in R. S. ch. 29, sec. 69, where in setting up certain speed regulations applicable to a "built-up portion as defined herein," the statute says this,—

"The compact or built-up portions of any city, town or village, shall be the territory of any city, town or village contiguous to any way which is built up with structures devoted to business or where the dwelling-houses are situated less than one hundred fifty