

MAINE STATE LEGISLATURE

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January 25, 1932

To Ernest L. Merrill, State Highway Department
Re: Private Drains

In answer to your recent inquiry regarding private drains emptying into public highways, my understanding of the general situation is this:

No private landowner has a vested right to collect his drainage and discharge it into the public highway; or into a sewer or drain therein through a private drain or sewer of his own; or to carry it under the highway in a private drain or sewer.

He may obtain some such rights, more or less limited on the circumstances in each case, by arrangement with the local authorities. Otherwise he takes the risk of such damage as may result to him if a change of highway alters or affects such a private drain or sewerage system.

His vested right is merely to have the natural draining from his property flow as it naturally does prior to the construction or remodeling of a highway. If such construction or remodeling affects his natural drainage he has a claim for damages. But, by and large, that is all the right that he has.

Clement F. Robinson
Attorney General