

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA January 22, 1954

L. D. Barrows, Chief Engineer
State Highway Commission
Augusta, Maine

Dear Mr. Barrows:

In response to your communication of January 8 I am pleased to suggest that, technically, the Highway Commission does not appear to have any power to authorize the erection of such monuments as are mentioned in the communication dated January 6 from the State Representative of the United States Coast and Geodetic Survey.

The State, acting through and by its Highway Commission, has simply an easement in the land occupied by state highways, and the State Highway Commission's control is limited to such purposes. The abutting owner has the fee in the land and the State Highway Commission would not have the power to authorize any erections except those necessary for the uses to which the land is subject.

It might be well for you to inform the representative of the Geodetic Survey that you would have no objection to the erection of the proposed monuments, provided the same do not obstruct the way or interfere with the maintenance thereof. In the absence of objections on the part of the Commission, it is probable that permission to erect the proposed monuments could be secured from the land owner.

Very truly yours,

Deputy Attorney General

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