

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

November 20, 1934

State Highway Commission
Augusta, Maine

Attention - H. S. Weymouth
Supt. State Aid Roads

Gentlemen:

In response to your letter of November 16, relative to Council Order dated November 9, which provides that \$2,000 be taken from the general highway fund to be used for repairing a section of road leading off from the third class road in the Town of Dixmont, I am pleased to call your attention to Section 5 of Chapter 28 of the Revised Statutes which provides for three classes of highways, viz,--1. State Highways. 2. State Aid Highways. 3. Third Class Highways, which shall mean all other highways not included in the two classes above mentioned.

I also call your attention to Chapter 22, P. L. 1933 which was passed as an emergency measure and provides in Section 46 that,-- "Roads constructed on third class highways under the provisions of sections 44 to 47 shall be suitably maintained by the several towns"etc.,

I also call your attention to Section 1, Paragraph 2 (g) which relates to the payment from general highways funds, and that - \$700,000 annually for the construction of third class highways as defined by Section 5 of Chapter 28 of the Revised Statutes" may be taken from said fund.

From the foregoing it is evident that moneys taken from the general fund to be used on third class highways can be used only for construction; that maintenance of said highways must be borne by the municipality. The Council Order, a copy of which you enclosed, appears to authorize the taking of \$2,000 from the general highway funds for maintenance rather than for construction and is, therefore, not in accordance with the provisions of the statute. It seems to me that in order to take from the general highway fund any moneys for third class highways, it must be for construction rather than for maintenance.

Very truly yours,

Deputy Attorney General

SLF H