

MAINE STATE LEGISLATURE

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January 28, 1935

To the
Public Utilities Commission
Augusta, Maine

Gentlemen:

You have requested the opinion of this office on the authority of towns to enter into an arrangement with the Directors of the Carlton Bridge, under which arrangement the town would pay to the Bridge Directors one-half of the excise taxes in return for free tolls for the inhabitants of any such town qualifying.

The statute enumerates at great length purposes for which a town may appropriate money and the particular purpose in question is not enumerated. The nearest approach seems to be the provision authorizing towns to construct and maintain ways such as roads and bridges. In view of the fact that this particular bridge is state owned, and the bonds for its construction are a liability of all the inhabitants of the state, I am of the opinion that a town would be authorized to make the above arrangement since the money derived from excise taxes and paid to the Bridge Directors would be used toward liquidating the indebtedness incurred for the construction of the bridge.

The above reasoning is not entirely clear, and, of course, seems somewhat far-fetched, and in the particular instance, where the equities of the case are so apparent and the desirability of

of the contemplated arrangement is so universally acknowledged, the Commission would seem to be justified in resolving any doubt in favor of the towns desiring to enter into the agreement.

Of course, the whole question involved is whether such a use would come within the meaning of Section 78, R. S. Chapter 5. Our courts have never passed upon the question, nor do I find that the question has reached a court of last resort in any state. Since there is no authority to the contrary, and since the construction here given is not without reason, I feel no hesitancy in recommending that the Commission approve the proposition as outlined.

Very truly yours,

Deputy Attorney General