

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

September 23, 1938

State Highway Commission  
Augusta, Maine

Gentlemen Attention, Mr. H. S. Weymouth

In response to your letter of September 17, relative to the State Aid Highway in the town of Farmingdale,-- I am pleased to suggest that it appears from your communication that the matter is in a considerably doubtful state because of the various decisions by the Commission as to the road where the money is to be expended, and also because of the doubtful validity of the vote taken at the last annual meeting in Farmingdale relative to the way on which the appropriation should be expended.

It is quite likely that any decision relative to the validity of the vote taken would be a matter for the courts to decide. Should any attempt be made to apply the money to a road other than Northern Avenue, it seems to me that the wisest course for your Commission to adopt is to let the inhabitants of Farmingdale determine on which road the money shall be expended. It has been held by our courts that,--

"A town may reconsider its action at the same meeting or at a subsequent meeting if seasonably done. That is, if the action of the town hath not already accomplished its purpose. For, if the vote of a town once accomplishes its purpose, works out the intended result and hath spent its force, it cannot be reconsidered and taken back.

A town is free to act within its legal scope as it pleases. It may take action in one direction today, and in another tomorrow, provided it does not impair intervening rights."

From the information which I now have, it would seem to me that the town can properly call a special town meeting to reconsider its action taken at the regular town meeting relative to this matter.

It is evident that the people are considerably exercised relative to this location, and it seems to me the wisest course will be for them to finally settle the matter by their votes.

Very truly yours,

Deputy Attorney General

SLF H