

# MAINE STATE LEGISLATURE

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February 18, 1936

To W. P. Pierce, Chairman, Board of Selectmen, Seboeis  
Re: Maintenance

We received a memorandum from W. S. Wyemouth (State Highway Department) relative to your Lake Road, so-called, and as to whether or not you could use town funds for its maintenance.

It has been held by the courts of this State that a road may be established by user, and the rights of the public will be in accordance with such user. The existence of a road or highway may be established by proof of location, prescription and acceptance, and by the proof of a continued user, for over 20 years.

It has also been held that a town may acquire a right by uninterrupted user by the inhabitants for 20 years; that the evidence of general, uninterrupted public use as a highway for 20 years was held sufficient to charge a town with liability to keep it in repair.

In case your Lake Road has been thus established, it would be lawful for the town to raise sufficient money to put it in repair so as to be safe for the traveling public.

Sanford L. Fogg  
Deputy Attorney General