

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**

May 25, 1939

State Highway Commission
State House
Augusta
Maine

Gentlemen:

Confirming the oral opinion which we have this afternoon given to Mr. H. S. Weymouth, Superintendent of State Aid Roads, it is our opinion that Road Commissioners of a town, whether or not they are elected at the town meeting or appointed by the selectmen, have no duties or authority in connection with the construction of third class roads; that under the provisions of Section 47 of Chapter 28 of the Revised Statutes, the Commission and the Municipal Officers are charged with the duty of cooperating in the construction and maintenance of third class highways; that the provisions of the last part of said Sections states that no money shall be paid by the State until such work has been inspected and accepted by the Commission, clearly indicate that the Commission should interest itself in the selection of foremen for said jobs, and that unless the Selectmen are willing to cooperate and appoint a foreman acceptable to the Commission, the Commission has the right to refuse its acceptance of the construction.

In view of the responsibility placed upon the Selectmen as Municipal officers to cooperate with the Commission in the construction of third class highways, it is my opinion that having been elected by the town, and as long as they are in office, the responsibility is theirs; they must be permitted to exercise their discretion, and that a town meeting to instruct them to employ any particular person on this work, would be ineffective.

Very truly yours,

Franz U. Burkett
Attorney General

FUB:GH