

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 14, 1939

To Lucius D. Barrows, Chief Engineer, State Highway Department
Re: Rights of Way

I am in receipt of your letter. . . relative to the authority of the State Highway Commission to enter into contracts with the Federal Government for the securing of lands and rights of way for highway purposes.

Our only statute, Chapter 116, P. & S. 1933, authorizing the State Highway Department to cooperate with the Federal Government, relates to the construction and maintenance of public highways. There does not appear to be any authorization in the act providing for the acquiring and financing of rights of way by long-term contracts with the Federal Government.

Section 12 of Chapter 28, R. S. of Maine, as amended by Chapter 135, P. L. 1933 and Chapter 215, P. L. 1939, contains the only direct provision for the taking of land by the State Highway Commission for public highways. Consequently I have to answer your questions in the negative.

Sanford L. Fogg
Deputy Attorney General