

# MAINE STATE LEGISLATURE

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December 6, 1939

Irvine E. Peterson, Esquire  
Judge Caribou Municipal Court  
Caribou, Maine

Dear Judge:

Some of the older cases in the State, notably State v. Beeman, reported in 35 Maine, Page 245, limited the scope of the word highway but nowhere can we find any distinction between the words "highway" and "way". Apparently both words have been used interchangeably in the statutes and mean the same thing so that in interpreting the provisions of the inspection law, Chapter 169 of the Public Laws of 1939, it is our opinion that the word "highways" as used therein means the same as 'ways' as defined in our statute; and the definition of way as found in Section 1 of Chapter 29, as amended, is that the word way includes all kind of public ways which in our opinion would bring within the scope of Chapter 169 every place or avenue upon which the public is authorized to travel. Webster's Dictionary defines highway as:

"A main road or thoroughfare; hence, a road or way open to the use of the public."

I think, therefore, that we should proceed with enforcement of the provisions of Chapter 169 on the theory that the word "highway" is synonymous with 'way' and covers all streets, and roads of whatever description that are open to the public for travel.

Very truly yours,

Franz U. Burkett  
Attorney General

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