

MAINE STATE LEGISLATURE

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August 23, 1940

Arthur E. Sewall, Esquire
Counsel, Maine-New Hampshire
Interstate Bridge Authority
4 Market Square
Portsmouth, N. H.

Dear Sir:

I believe it would be advisable to have a conference between yourself, the Attorney General of New Hampshire and my own office before attempting to arrive at a final conclusion as to the question which you ask in your letter of August 9th.

I am not quite sure what you mean by your question as to whether the Authority will be required to police its own bridge and approaches. It is my understanding that the Bridge Authority purchased the land over which the roads lead to the bridge from the State highway on each side of the river, constructed its own roads and that these roads, in Maine at least, have not been taken into the State highway system or the system of the town through which it goes. Is it your understanding that the entire length of these roads leading from the State highway to the bridge comes within the scope of the word "approaches"?

As far as the enforcement of the criminal and civil laws of the State are concerned, I assume that the property owned by the bridge would be in no different situation than the privately owned property of any person or corporation, and that the local county and State police officers would be responsible for such enforcement.

As far as the enforcement of the motor vehicle laws is concerned, it would seem to me that the status of the roads which the Authority has built leading to the bridge must be first determined. If they are "ways", which includes all public ways, then the State laws regulating the use of motor vehicles on these ways would be a matter

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of enforcement by the local county and State officials. If these roads are not public "ways", then the matter of enforcement of the motor vehicle laws is more complicated. Some of the statutes covering the operation of motor vehicles under certain conditions apply only to public ways; some of them, like the law prohibiting operating while under the influence of liquor, have been broadened to cover any place in the State.

Therefore it seems to me it is going to be necessary to determine whether the roads which you have built are, first: part of the approaches to the bridge within the meaning of the statute under which the Authority is operating, and which puts the burden for maintaining the "approaches" on the Authority; and, second: whether these roads I have mentioned are "ways".

On the other hand, if by your question you meant only to cover the question of seeing that persons using the bridge kept in line and paid the tolls required, why then I assume that the answer to it is that the Authority should bear this obligation and expense.

If you think, after considering what I have written here, that the matter is serious enough to warrant having a conference with the New Hampshire authorities I should be very pleased to give my time in an effort to be sure that the two States and the Authority agree on the matter before giving final decision.

With kindest personal regards,

Very truly yours,

Franz U. Burkett
Attorney General

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