

MAINE STATE LEGISLATURE

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August 21, 1941

Elmer W. Campbell, Technical Sec'y
Sanitary Water Board
Augusta, Maine

Dear Sir:

I have your letter of August 1st, asking for an opinion on what, if any, legal action may lie against New Hampshire because of the pollution of Androscoggin River waters in New Hampshire which then flow into the State of Maine causing damages to industries, municipalities and residents of the State of Maine.

If the State of New Hampshire, through any active or passive negligence, permits a condition to exist in New Hampshire which creates a public nuisance in Maine the State of Maine has a cause of action in the Federal Courts against the State of New Hampshire. The important word in this opinion is the word "if", and no proper opinion can be rendered until the facts have been determined.

Very truly yours,

Frank I. Cowan
Attorney General

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