

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1941--1942

It has been ruled by this Department that "for a person to acquire a new domicile depends wholly on residence and intention of remaining, and that a domicile cannot be lost by a temporary absence."

From the statement made by the parents, it seems evident that their residence in Newcastle is only temporary. If such is the case, facts not being shown to the contrary, there is in my opinion no doubt but that they still hold their domicile in Friendship with only a temporary residence in Newcastle. It has been held by our courts that a temporary residence is not sufficient to establish a domicile. It has been further held by our courts that a person's intention can only be shown by his acts and words, and when in doubt the domicile of origin prevails.

Trusting that this fully answers your inquiry, I remain

Yours very truly,

SANFORD L. FOGG  
Deputy Attorney General

October 31, 1941

Lucius D. Barrows, Chief Engineer  
State Highway Department  
Augusta, Maine

Dear Sir:

I have your inquiry of October 27th in regard to the "wrought" part of any improved section of the state highways, etc.

In my opinion, the word "wrought" applies to that portion of the highways developed for actual travel and to the necessary shoulders and drainage ditches and no farther. The application of the word to the slopes of cuts and to the occasional extensive slopes of fills does not, it seems to me, come within the meaning of the Legislature when it used the word in Section 4 of Chapter 229 of the Public Laws of 1937.

Within a limited time after the fills are made and the slopes are cut, in many cases growth will have started on the slopes so that there would be nothing to distinguish them from a natural slope.

Under the circumstances, I cannot see that the Legislature could have had in mind any area beyond the ditches.

Very truly yours,

FRANK I. COWAN  
Attorney General