

# MAINE STATE LEGISLATURE

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February 9, 1942

Max L. Wilder, Bridge Engineer  
State Highway Commission  
Augusta, Maine

Dear Sir:

We are somewhat in doubt relative to your "overhead bridge" inquiry. There seems to be no question as to the obligation of the railroad to maintain this bridge prior to the enactment of Chapter 93 of the Public Laws of 1931, as amended by Chapter 137, Public Laws of 1933.

I find that the Act in 1931 was presented by Mr. A. M. Small of Waldo and went through to final enactment without change or discussion.

The Act in 1933, amending the 1931 Act, was presented by Ralph W. Farris and went through to final enactment without any discussion.

I am of the opinion that the Acts of 1931 and 1933 were not intended to relieve the railroads of the expense of construction and maintenance of their overhead highway bridges, but only for the relief of municipalities from expense of all bridges or State highways.

In case the railroad still maintains that these Acts relieve them of the obligations they formerly had, the Highway Commission may proceed to make the necessary repairs, after notifying the railroad that repairs are being made because of necessity for the protection of the traveling public, and not in any wise recognizing the claim of the railroad that it is relieved by the aforesaid Acts of such maintenance, with the understanding and notice that the Courts will be asked for such relief as may be necessary.

Very truly yours,

Sanford L. Fogg  
Deputy Attorney General

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