

MAINE STATE LEGISLATURE

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May 29, 1942

To John C. Burnham, State Highway Department
Re: Openings in Highways

Relative to the right of the Kennebec Water District in regard to the openings in State and State Aid roads, Chapter 200, P&SL 1899, provides that said District is hereby authorized to lay in and through the streets and highways, and to take up, repair and replace its pipe lines and fixtures as may be necessary for its operations, and whenever said District shall lay any pipes in any street or highway, it shall without any unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition. It has been held by our court that a local statute enacted for a particular municipality for reasons satisfactory to the Legislature is intended to be exceptional and for the benefit of such municipality.

The Act further provides that in accordance with this principle, general Acts are held not to replace the provisions or charters granted to municipal corporations. The provision for replacement of the earth and pavement in proper condition evidently requires same in accordance with the laws relative to State and State Aid roads. It seems to me that the foregoing reference will enable the State and the District to arrive at an amicable understanding.

Sanford L. Fogg
Deputy Attorney General

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