

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

October 13, 1943

To J. Elliott Hale, Acting Director
Re: Sewage Disposal Plant at Boothbay Harbor

. . . It is extremely unfortunate when employees of any governmental unit act arbitrarily in dealing with an individual. In this State we proceed on the theory that the powers of government are vested in us for the purpose of enabling us to take steps that may be necessary in the best interests of the general public and that occasionally we have to invade the rights of the individual. We are, however, extremely careful that our invasion of his rights does not itself enter the field of tyranny, and we are very careful not to act in such fashion that we are taking his property without due process of law.

From the tone of the letters written by John D. O'Reilly, Jr., Regional Counsel for the Federal Public Housing Authority, I assume that he feels as we do. It is evident, however, that whoever laid out the building and drainage project at Boothbay Harbor either (1) failed to realize the danger of pollution of Mr. Hodgdon's springs, or (2) believed that, inasmuch as he had the power of the Federal Government behind him, he could proceed arbitrarily without regard to any rights that Mr. Hodgdon might possess, or that might be vested in the State of Maine.

I cannot believe that any American citizen, educated as he must have been in our theory of government, could entertain any such views as those I mentioned in (2) above. I believe that that person must have overlooked the possibility of pollution consequent upon a faulty location of the drainage system and the filter bed.

I think you should bring this to the attention of the attorney for the Authority and make arrangements through the Authority for the drainage system and the filter bed to be so located that there can be no possibility of contamination therefrom, as far as these springs are concerned.

Frank I. Cowan
Attorney General

FIC:c