

MAINE STATE LEGISLATURE

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January 2, 1945

To W. E. Bradbury, Deputy Commissioner, Inland Fisheries and Game
From Abraham Breitbard, Deputy Attorney General

This will acknowledge receipt of your memorandum of December 26, 1944, which is as follows:

"In 1925, a group of citizens from Winslow, Waterville, Skowhegan and surrounding towns requested permission from the State to install a screen at the outlet of St. George Lake in the town of Canaan, Somerset County. This screen was installed without expense to the State and has been in use from the date of installation until now.

"These screens, if they are not cleaned and kept free from leaves, sticks, etc., will cause the water to back up and flow back into the pond and it has happened in the case mentioned in this letter.

"We would like to have your opinion as to the liability of the State if the water should flow back and cause damage because of the screen being plugged."

Section 11 of Chapter 38, Laws of 1943, so far as pertinent, provides that "The commissioner may authorize, alter, and remove the screening of any inland waters. . . ."

Thus, the Commissioner would be authorized to remove such screen, if the persons who installed the same failed to give it the proper care. The State, however, would incur no liability for damage done under the circumstances set forth in the above inquiry.

AB:c