

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1945-1946**

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May 8, 1945

To Lucius D. Barrows, Chief Engineer, State Highway Commission  
Re: Town Road Improvement Fund, Chapter 371 of the Public Laws of  
1945

I have your memo dated May 3rd, stating that the State Highway Commission is uncertain concerning the meaning of certain sections of the "Cross" bill, so-called, an act to create the Town Road Improvement Fund, and that you request my interpretation on the following questions:

"(1) In Sec. 42-B re *allocation of funds* to towns, what is meant by 'unimproved roads'? More specifically is this term limited to unimproved portions of 4th Class (Town Ways) or does it also include unimproved portions of State, State Aid, and Third Class designations?"

In answer to this question, my advisory opinion is that the phrase "unimproved roads" means only unimproved portions of 4th class town ways and does not include State, State Aid, and third class designations.

"(2) In Sec. 42-D, re *location for expenditures* by towns, what is meant by this same term 'unimproved roads' as qualified by the words which precede it, 'No money from this fund shall be expended on any road which is a part of the Federal Aid, State, State Aid, or Third Class roads?'"

My answer to Question 2 is that it is my advisory opinion that this means unimproved 4th class town ways.

My reason for answering the questions as above is that under Section 42-A of Chapter 371 aforesaid, the legislature created a special fund to be known as the "Town Road Improvement Fund," and in Section 42-D the legislature provided that no money shall be expended on any road which is a part of the federal aid, state, state aid, or third class roads, which would seem to limit the act to 4th class town ways or "dirt roads," so-called; and in Section 42-E the legislature provided that "it shall be the intent and purpose of sections 42-A to 42-E inclusive to set up a fund and a method for more equal distribution of money for unimproved roads than can be had by the present blanket road resolve, so-called." While the funds from the so-called special resolves in the past have been expended on third class designations, it appears to me that the intent of the legislature was to limit the expenditures of this fund to unimproved 4th class town roads.

RALPH W. FARRIS  
Attorney General

May 9, 1945

To Fred M. Berry, State Auditor

Supplementing our memo of May 4, 1945, relating to the costs to be paid by a prisoner to obtain a release from jail where he is imprisoned in default of payment of fine and costs: Your inquiry is whether the officers' fees for service of the "mittimus to commit a person to jail. . .