

MAINE STATE LEGISLATURE

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July 3, 1946

To Lucius D. Barrows, Chief Engineer
State Highway Commission

I have your communication of June 27th, stating that the Commission has requested you to ask me if there is any law which authorizes the State Highway Commission to construct cattle passes as part of the construction of state and state aid roads.

In reply I will say that the provisions of Chapter 20, R. S. 1944, empower the Commission under its general powers and duties to make rules and regulations in regard to construction and maintenance of all state and state aid highways and to direct the expenditure of all moneys for construction and maintenance of all state and state aid highways, which powers and duties in my opinion are broad enough for the Commission to construct cattle passes as a part of the construction of state and state aid roads. Furthermore, I believe it is the duty of the Commission to do this work as a safety measure, and such construction would be approved by the Public Roads Administration as items of costs in federal aid projects. It is a matter for the judgment of the Commission, to be exercised in each particular case. For instance, where a right of way divides land which is being taken under condemnation proceedings or otherwise, it would reduce the amount of damages for the State Highway Commission to construct a cattle pass under the highway so that cattle could pass to and fro from the pasture.

Ralph W. Farris
Attorney General

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