MAINE STATE LEGISLATURE

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December 24, 1947

To H. S. Weymouth, Highway

Going back to ancient history, I find a memo from you dated October 28th, relating to the town of Long Island in Hancock County, which has one state-aid highway which circles its harbor and terminates at its northeasterly end at a wharf or pier used as a public landing. You state that, as you understand it, the road itself is now completed and the citizens wish to construct a permanent pier for public use, since the inner harbor, south of the wharf, is inaccessible at low tide. You further state that the town will most likely wish to raise and spend its annual state-aid joint funds for this construction.

On the basis of the foregoing facts the State Highway Commission desires my opinion as to whether a public landing of this nature can be considered as part of a public way and whether it will be proper to approve the use of state-aid funds towards this construction.

It is my opinion that a wharf or pier used as a public landing would not be considered as part of a public way, for the purpose of approving the use of state-aid funds toward its construction, if the wharf or pier is used as a public landing for boats and vessels, unless it is a continuation of the highway to a ferry or bridge to cross the harbor.

Ralph W. Farris
Attorney General

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