

# MAINE STATE LEGISLATURE

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July 6, 1948

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To John B. Church, Superintendent of Maintenance  
Re: Claim of Austin A. Towle, Winterport, Route 1.

Referring to yours of June 10th, in which you enclosed a claim from Austin A. Towle, together with pencil sketch showing conditions relating to his claim:-

You state that Mr. Towle contends that because of a plugged culvert, he suffered damage amounting to \$225. His place of business is on Route 1 in Winterport, Maine. You also state that according to your sketch your concrete culvert empties into an old stone drain, for the maintenance of which you are not responsible, so far as you know. This drain has been in existence for a long time and you do not know who is responsible for maintenance thereof, but it does not seem to you that it is a State responsibility.

In my opinion the town is responsible for building the sewer through the drain which partially obstructed the same and also for allowing rubbish to be dumped or to accumulate, causing water to back up on to Mr. Towle's property. If this sewer was constructed under the direction of the town by PWA or WPA funds, the town is liable and not the State. I agree with the State Highway Commission that the Commission is not responsible for the same and I will not approve settlement of same on this basis.

Any municipality that changes the culverts or the drainage laid out by the State Highway Commission is responsible for any damage occasioned thereby. If they will not relocate this sewer or relieve this condition, the town will continue to be liable for any damage sustained by property owners after they have been notified of this condition.

Ralph W. Farris  
Attorney General

RWF:c