

MAINE STATE LEGISLATURE

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No

September 22, 1952

To J. M. Trefethen, State Geologist
Re: Entering on Private Property

. . . I submit, as a starting point of discussion, a clause relative to the State's obligation in a certain contract or agreement to be entered into with the Sulfide Mining Co. . .

"The State of Maine through its authorized agents will undertake to obtain from the various owners of property that this survey may wish to observe, permission to enter upon their property for the express purpose; but in obtaining this permission the State of Maine does not obligate itself to pay for any damages that might be assessed against it for such entry and the Sulfide Mining Co. agrees to pay for any such damages arising out of any entry for the purpose of this survey, which may be assessed against this joint venture."

I know of no legislation allowing the state to enter property to make instrumental surveys, and even if there were such a statute one could not use it for any other purpose than to make such instrumental survey. The same rule would apply to the right of the state to enter for assessment of property value. . .

Roger A. Putnam
Assistant Attorney General

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