

# MAINE STATE LEGISLATURE

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No

September 11, 1953

To Ober Vaughan, Administrative Assistant, Executive Department  
Re: Letter from Eugene B. Lyburner et al.

We are returning to you letter addressed to Governor Cross dated September 1, 1953, in which Eugene B. Lyburner describes in some detail his desire to improve a section of property in Brooksville and then asks four questions. These questions are asked because the citizens of Brooksville contemplate flooding a particular portion of land, polluting the waters to kill undesirable life present in them, and ultimately making a lake desirable to fishermen, vacationists, etc.

Before proceeding in any direction in this matter we would suggest that the parties first ascertain who owns the land to be flooded. They should then contact the Commissioner of Inland Fisheries and Game, who should be able to give some valuable advice with respect to their problem.

In answer to Mr. Lyburner's questions:

1. Legislative permission would be necessary for the flooding of the land if such land belongs to the State. It should also be noted that Section 1 of Chapter 124 of the Revised Statutes provides a substantial penalty for the knowing and wilful corruption of waters.
2. Permission of land-owners whose lands might be injured because of such activity would be necessary. This, of course, is not a State problem but a private one.
3. In accordance with the latter part of the answer to Question 1, it would be necessary that legislative permission be obtained before waters could be polluted.
4. The Department of Inland Fisheries and Game would be in a position to give some assistance of a technical nature and might be able to advise if Federal assistance were available.

James Glynn Frost  
Deputy Attorney General

jgf/c