

MAINE STATE LEGISLATURE

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March 30, 1954

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To Roland H. Cobb, Commissioner of Inland Fisheries and Game
Re: Rebuilding Road and Blocking a Stream

We have your inquiry of March 29th relative to a certain bridge which was eliminated and replaced by two culverts. You state that said culverts are presently so high above the brook bed that the fish may come down but cannot go up. You inquire as to your legal position when the Highway Department blocks a stream.

Without delving into the legal position at this time, it would seem that the proper procedure would be to approach the Highway Department and let them know about the situation as it appears to you. Perhaps some method or means could be decided upon so that the problem could be rectified without attempting to coerce anyone into a solution.

I would suggest that this procedure be exhausted before inquiry is made as to the legal position.

Roger A. Putnam
Assistant Attorney General

rap/c