

MAINE STATE LEGISLATURE

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November 17, 1954

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To C. Wilder Smith, State Director, Farmers Home Administration

In answer to your inquiry relating to the use of streams and lakes for domestic water purposes, I would refer you once again to the duty of the Attorney General to advise certain officials, which I have set forth in my letter of this date relating to the powers of soil conservation districts.

There is no statute that we know of relating to the rights of individuals to take water from water courses or lakes. The right of an individual to appropriate water from a natural water course or lake in this State is generally covered by the common law. It would be impossible to state to you any fixed rule of law pertaining to this particular problem. There are so many ramifications relating to the conditions, whether the lake or pond is a great pond, what is the amount of the flowage of the water, for what purposes the water will be used, and so on, that this has become a field of the law unto itself, and I must humbly state that I am not well versed in that field.

Roger A. Putnam
Assistant Attorney General

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