

MAINE STATE LEGISLATURE

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January 25, 1956

To W. H. Bradford, Right of Way Engineer, State Highway Commission.
Re: Powers and Duties of Ogunquit Village Corporation

You have requested my opinion as to the powers of the Ogunquit Village Corporation to enter into the usual contract with the State in regard to assuming certain costs and duties in regard to the construction of a highway within the Corporation limits.

The Village Corporation was organized in 1913 as a quasi-municipal corporation and in Section 2 of Chapter 203 of the P. & S. Laws of 1913 was empowered "to build, maintain and repair roads, streets and ways, sidewalks, sewers and other sanitary works, etc."

Section 3 of said Chapter relieved the Town of Wells of all duties in regard to roads except that of the right of intervention in case the Corporation failed in its duty.

Section 4 of the Act gave the Corporation the same powers and duties of laying out and altering town ways as the Towns of Wells would have. This section would place the Corporation in the same position as any town.

The right of a town to make this type of contract with the State is based on its duty to maintain streets for the use of abutters (as contrasted with our duty of building a highway for travellers) and the Village Corporation has the power and duty of building and maintaining streets and therefore could make this agreement with the State.

It should be kept in mind that the theory of a town's participation is based on its right to hire a contractor to make certain improvements in the streets.

In Section 6 of said Act, the Corporation is empowered to adopt "by-laws for the proper management of its prudential affairs and other proper corrections and use". Therefore, it is my opinion that the legislature intended to make Ogunquit Village Corporation the equivalent of a town in regard to its powers and duties concerning streets.

L. Smith Dunnaek
Assistant Attorney General

LSD/ek
cc: Mr. Stevens
Mr. Daggett
Mr. Harding