

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

October 3, 1956

260

To Max L. Wilder, Bridge Engineer, State Highway Commission
Re: Permit from Board of Harbor Commissioners

You have requested my opinion as to the liability of the State Highway Commission to obtain the permit required under the provisions of Chapter 192 of the Private and Special Laws of 1917, for building a bridge across Back Cove.

The Board of Harbor Commissioners makes its report to the mayors, etc., of Portland and South Portland, but its members are now appointed by the Governor. This supports the theory that the Board serves the municipalities rather than the State and that the gubernatorial appointments are to keep the positions out of local politics (along the line of handling the police set-up in Lewiston).

It is very questionable if a municipality can refuse permission to a state agency to carry out a necessary state function. The State Highway Commission can condemn town property, if it deems it necessary.

This statute would give this Board the power to refuse a permit to build this bridge.

It is my opinion that the legislature did not intend to give the Board control over building highway bridges. The State does not need the permit.

L. Smith Dunnack
Assistant Attorney General

LSD/ek