

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

ingly such changing conditions might call for reevaluation of the licensee's activities.

JAMES GLYNN FROST  
Deputy Attorney General

February 19, 1958

To: A. D. Nutting, Commissioner Forest Service

Re: Slash Removal—Reimbursement of Use of Fire Equipment—  
Fire Warden's duty to take violator to Court

Recently you left with this office six questions concerning which you desired the opinion of the Attorney General. During a discussion between us, you decided that only three of the questions need be answered.

"1. Chap. 36, Sec. 83, Par. 1

Slash removal is required within '50 feet of the nearer side of the wrought portion of any state highway.' How is the 'wrought portion' determined or of what does it consist?"

The ordinary meaning of "wrought" is worked up, elaborated, worked into shape, labored, managed; not rough or crude. With respect to a highway the wrought portion of the road is that compact section devoted to the travel of motor vehicles and would not include, in our opinion, those portions commonly designated as shoulders.

"3. Chap. 97, Sec. 60

Fire equipment owned by a village corporation is used on a forest fire outside of corporation limits. Can the State reimburse the town for costs incurred by use of the corporation's equipment?

If the corporation uses its equipment on a forest fire within the corporation limits can the state reimburse the corporation for use of this equipment? Could the corporation bill the town for this equipment use and the state then reimburse the town?"

With respect to this question we understand that the village corporation involved received its legislative charter for the express purpose of being a self-sufficient corporation with respect to fire control. Where the fire equipment of the village corporation is used on a forest fire outside of the corporation limits of the village corporation, the state would not reimburse the town for costs incurred by use of the corporation's equipment. We believe that in all respects the village corporation incorporated for the purpose of granting fire protection within its confines should be treated by you as if it were a municipality. Thus, if the corporation were to use its equipment on a fire within its own limits, the state would not reimburse for such use of equipment.

"5. Must a fire warden take a violator to a court in the county where the offense was committed?"

The answer is "Yes."

JAMES GLYNN FROST  
Deputy Attorney General