

# MAINE STATE LEGISLATURE

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October 17, 1961

David H. Stevens, Chairman

State Highway Commission

L. Smith Dunnack, Ass't. Atty. Gen.

State Highway Commission

Right to Condemn for Highway Safety

You have referred the folder on "the entrance to the state highway from the Chemetron plant" to me, and requested my opinion on the powers of the Commission in the matter.

It appears that vehicles entering the highway from the road to the plant must enter the way before they can see the oncoming traffic. There is a row of bushy trees along the entrance way and the main highway that intermingles and that are so tall that the vision is completely obscured. I am informed that many near-accidents have occurred, and the facts indicate that a dangerous situation exists.

Section 20-B of chapter 23 says - "The Commission may purchase or take over and hold for the State such materials and land as it may deem necessary to maintain or to provide for the health, safety or welfare of the public using any state or state aid highway-----".

It would seem very reasonable for the Commission to deem it necessary to take the right of the owners of the corner lot to 'maintain the tall trees' in order to provide for the safety of the public.

It is my opinion that the Commission may condemn this right and impose a restriction on the use of this corner.

L. SMITH DUNNACK, Ass't. Atty. Gen.

LSD/ek

cc: Attorney General

OCT 18 1961

STATE OF MINE  
DEPT. ATTORNEY GENERAL  
AUGUSTA