

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**

January 10, 1966

Carl A. Brooks, Utility Engineer - R/W

State Highway Commission

George G. West, Deputy Attorney General

Attorney General

Title 23 M.R.S.A. Sections 154 and 255

No. 1

Facts: Under projects U-01-1(12) and F-01-1(13) right of way was acquired for a highway which was never constructed.

Question: Is Title 23 M.R.S.A. Section 255 applicable to utilities within the above right of way? (Assume no special conditions are applicable to the particular case.)

Answer: No.

Opinion: The acquisition of the two projects named above did not at the time of acquisition include the utility easements or the rights of way. There remains in the area acquired a property right which must necessarily be removed before construction commences. This right must be compensated for as provided in Title 23, M.R.S.A., Section 154, subsection IV.

GEORGE C. WEST, Deputy Attorney General

GCW:bbn