

# MAINE STATE LEGISLATURE

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January 10, 1966

Carl A. Brooks, Utility Engineer - R/W

State Highway Commission

George C. West, Deputy Attorney General

Attorney General

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

No. 2

Question: Is Title 23 M.R.S.A. Section 255 applicable to utility facilities which are not in an existing public way (highway)?

Answer: No.

Opinion: Section 255 is restricted to utilities located in existing public ways. The key is in the first sentence of said section 255 - "any utility which is required to move or relocate its facility under this section from or in any way because of construction---". The word "way" used hereinbefore is, in my opinion, intended to mean highway or public way.

GEORGE C. WEST, Deputy Attorney General

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