

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

For the Years
1967 through 1972

October 24, 1969
Forestry

Austin H. Wilkins, Commissioner

Submarine cable in great pond – permit requirements

SYLLABUS:

Where the laying of a submarine cable in a great pond involves no dredging and disposal of dredged material, no permit is required under 12 M.R.S.A. § 514 (3) (B) (Supp. 1968). A public utility wishing to lay a submarine cable in a great pond must obtain an easement, permitting such use, from the legislature.

FACTS:

A public utility plans to lay a submarine cable beneath the waters of a great pond. It appears that the project involves no dredging and disposal of the dredged material. The utility has applied to the Forest Commissioner for the permit described in 12 M.R.S.A. § 514 (3) (B) (Supp. 1968).

QUESTION:

Is such a permit required?

ANSWER:

No.

OPINION:

The permit described in the reference statute allows

“ . . . dredging in great ponds and for disposal of the materials thereby removed which are not classified as minerals under the mining law . . . ”

Since such dredging and disposal are not contemplated as part of the cable project, no permit is required. However, the utility must obtain an easement from the state in order to lay the cable on the bottom of the great pond, since this land is the property of the state. Such easements have, in the past, been granted by the legislature. See, *e.g.*, Me. Private and Special Laws 1969, c. 49.

ROBERT G. FULLER, JR.
Assistant Attorney General

November 5, 1969
Soil & Water Conservation Comm.

Charles L. Boothby, Executive Director

Great Ponds