

MAINE STATE LEGISLATURE

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STATE OF MAINE.

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1908.

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It would also seem clear, technically, that under section 8 of said chapter 112, when the work is of a sufficient size the law requires competitive bids.

STATE ROAD LAW.—CONTRACT WORK.

*Hon. Paul D. Sargent, State Commissioner of Highways,
Augusta, Maine:*

DEAR SIR:—I have the honor to inform you that this department has considered the subject matter of your recent inquiry concerning your right as State Commissioner of Highways to insist upon *contract* work under section 8, of chapter 112, of the laws of 1907, in the expenditure of sums properly raised by the towns entirely outside of the so-called "joint fund" specified in the State road act, to wit, said chapter 112, of the laws of 1907.

We have looked through the act with much care and we do not find any *specific authority* for you to *so* assume control of any fund except the so-called "joint fund." We advise that you should not attempt to exercise authority beyond what is clearly given. We therefore recommend that your administration in this matter should be confined to the "joint fund."

For the same reason where a town by an independent and distinct vote has raised money entirely outside the "joint fund" and to be devoted to drainage, since the State road act above referred to does not clearly provide that you can insist upon contract, etc., as noted in said section 8, we would similarly advise that you should not attempt to assume authority to so require the contract work, etc., covering the drainage.

STATE ROAD LAW.—COMPLETION OF CONTRACT.

*Hon. Paul D. Sargent, State Commissioner of Highways,
Augusta, Maine:*

DEAR SIR:—Your inquiry as to the liability of a town to complete its contract made for the construction of a section of State road under Public Laws, 1907, chapter 112, section 8, has been duly received and we have given the same consideration.