

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1914.

WATERVILLE
SENTINEL PUBLISHING COMPANY

1915

HIGHWAY COMMISSION,—AUTHORITY TO ACCEPT
ASSIGNMENT OF FUNDS DUE ON HIGHWAY
CONTRACTS.

14th January, 1914.

*Paul D. Sargent, Chief Engineer, State Highway Commission,
Augusta, Maine.*

DEAR SIR: In relation to order of Cochran and American Trucking Company; in the first place I think the order should be on the State, and not on the Highway Commission, and in the second place, I do not think the authority of the Highway Commission goes to the extent of accepting for the State partial assignment or full assignment of funds in the hands of the treasurer due or to become due on contracts they enter into. That is an authority the Legislature did not vest in the State Highway Commission; nor so far as I know does the State Treasurer possess it, so as to bind the State. In practice it may never be questioned as the remedies which the respective parties might have against individuals on equitable assignments and in case of unauthorized acceptance are not available against the State, unless authorized by the Legislature.

I, therefore, cannot advise the Highway Commission to accept this order, nor advise parties that it would be valid, if accepted even by both the Highway Commission and the State Treasurer. The Highway Commission might vote to approve the payment of the order when the funds became due if that would satisfy. It probably would result in the assignee getting his money as surely as though there was a duly authorized acceptance of this order.

Very sincerely,

SCOTT WILSON,

Attorney General.