

MAINE STATE LEGISLATURE

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June 30, 1920

To Hon. Frank W. Ball, Secretary of State
Re: Bond (Performance)

You have handed to us for approval contract for manufacture and delivery of automobile plates for 1921, also bond to secure performance of the same.

We see no objection to the contract. The bond, however, is upon a standard form and contains certain provisions which we do not deem proper in contracts with the State. We think that the law requiring a bond contemplates a bond which does not alter in any way the provisions of the contract and under which the surety stands sponsor for the faithful performance of the contract obligations by the principal. In this particular bond, we think the following provisions improper.

First. The requirement of a written statement of the facts and date of any default within ten days after the obligee or his representative shall learn of the same. The difficulty is that no one has any authority to represent the State for this purpose.

Second. The limitation of the time for bringing action to a date only seven days after the date of delivery under the contract. If such a date is to be fixed at all, it ought not be less than six months at the outside.

Third. All provisions of the third paragraph of the second page of the bond. These very clearly modify the contract and we do not think the bond should do this.

For these reasons we cannot give our official approval to the bond as delivered to us.

Fred F. Lawrence
Deputy Attorney General