

MAINE STATE LEGISLATURE

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December 29, 1927

To Honorable Ralph O. Brewster, Governor of Maine
Re: Planting at the State Park

The Governor and Council on September 30th, 1927, passed the following council order:

"ORDERED, That the State Park Commission are hereby authorized to proceed with their planting program in 1927 and 1928 in accordance with the recommendations of Olmsted Brothers, landscape architects, and to contract for all necessary expenditures in connection therewith, including the services of said architects, subject to the provisions of Chapter 117 of the Public Laws of 1923."

This order was passed as a result of Resolve of the last Legislature appropriating money for the improvement of the State Park,

"the expenditure thereof to be under the direction of the governor and council."

Chapter 117, Public Laws of 1923, referred to in the above order, provides that the superintendent of public buildings "shall take charge of the . . . state park". This Act of 1923 says nothing in relation to the duties of the superintendent of public buildings in regard to the expenditure of money or the approval of bills.

Section 23 of Chapter 2 of the Revised Statutes, however, provides that the superintendent of public buildings may make certain purchases for repairs of public buildings and for beautifying public grounds "under the direction of the governor and council".

The reference to Chapter 117 in the order related to the duties of superintendence of planting, etc.

It does not appear that the council order of September 30th in any manner contemplated that the duties of the governor and council to spend money under the Resolve of 1927 or to approve the expenditures was delegated to the Superintendent.

Raymond Fellows
Attorney General

RF:LMR