

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

January 29, 1936

Hon. V. S. Owen
State Purchasing Agent
Augusta, Maine

My dear Mr. Owen:

In answer to your recent oral inquiry regarding the purchasing right of the State Liquor Commission, I am pleased to suggest that section 3 of chapter 200 of the Public Laws of 1935, provides that:

"Said commission may employ, subject to the approval of the Governor and council such clerical and other assistants, and make such expenditures, as may be necessary to carry into effect the purposes of this act."

Section 7 of said chapter provides that:

"It shall be the duty of the commission to buy and have in its possession wine and spirits for sale to the public. Such wine and spirits shall be purchased by the commission directly and not through the state purchasing agent and shall be free from adulteration and misbranding."

Section 8 of said chapter provides that:

"Said commission is hereby authorized to lease and equip in the name of the state, such stores, warehouses and other merchandising facilities for the sale of liquor as are necessary to carry out the provisions of this act."

The only power to purchase equipment or supplies, other than "wine and spirits" is contained in Sections 3 and 8. You will note that Section 2 gives the commission power, "subject to the approval of the Governor and council to make such expenditures as may be necessary to carry into effect the purposes of

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this act;" and that Section 8 authorizes them "to lease and equip such stores, warehouses and other merchandising facilities for the sale of liquor as are necessary to carry out the provisions of this act".

Except as above indicated, I find no provision of law which authorizes the State Liquor Commission to purchase supplies, materials and equipment.

Sections 19 to 27, inclusive, of Chapter 116 of the Public Laws of 1931 (commonly referred to as the "Code") seem to indicate beyond question that it is the established policy of the State that the State Department of Finance, through the Bureau of Purchases, shall purchase all supplies, materials and equipment required by the State government or by any department or agency thereof subject to the provisions set forth in the act; and that the terms "supplies", "materials" and "equipment" shall be construed to mean any and all articles or things which shall hereafter be used by or furnished to the State or to any department or agency thereof, and also any and all printing, binding, publication of laws, journals, and reports.

That the Legislature in the enactment of said Chapter 200 recognized and intended to preserve the aforesaid established policy of the State, seems to be clearly indicated in Section 7 thereof, by the use of the words "such wine and spirits shall be purchased by the commission directly and not through the state purchasing agent".

The only possible exceptions to the foregoing are those found in Section 3 and Section 8 thereof, and any expenditures in Section 3 require the approval of the Governor and council, and Section 8 refers only to the equipment of stores.

It is, therefore, the opinion of this department that all materials and office supplies required by the State Liquor Commission, except those purchased by approval of the Governor and council, should be purchased through the State Purchasing Agent.

Very truly yours,

VACANT
DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF MINE

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