

MAINE STATE LEGISLATURE

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July 16, 1946

To John C. Burnham, Administrative Assistant
Highway Department

I have your memo of July 12th relative to repairs to highway openings by their own contractors, where the New England Telephone Company is involved and they pay the fee to the contractor rather than pay the fee to the State and the State make the repairs.

It is my opinion that it would be legal for the Commission to approve the contract for doing this work and for the New England Telephone Company to pay the fees to the contractor, instead of paying the fees to the State Highway Commission, and the State Highway Department would thereby escape the liability in case of any suit for damages on account of defective resurfacing, provided you approve the contractor to do the work and have constructive supervision of the work, or at least have it inspected by a representative of the State Highway Commission when it is done and before any bill is presented. I will approve the bill for the work, if it is done under this set-up.

Ralph W. Farris
Attorney General

RWF:c