

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

Therefore my opinion in this matter follows the language of the Supreme Court, and former employees of the E. R. A. would not be considered as State employees.

RALPH W. FARRIS
Attorney General

March 30, 1948

To H. H. Harris, Controller
Re: Council Order #76, March 3, 1948

With reference to Council Order #76 of March 3, 1948, by which \$10,000 is made available to the Department of Education for repairs and improvements in the dormitory and classroom facilities at Madawaska Training School, Fort Kent, and by which the Commissioner of Education is authorized to employ one John Cyr of Fort Kent to perform the work on a "day-labor basis":

At the time when this Council Order was passed, the Governor and Council had before them facts which showed that it was impracticable to let out this work on competitive bidding. In the first place there were no contractors in that area and therefore you could not have competition in bidding. Also there was the fact that the nature of the work was such that it would be difficult to prepare plans and specifications to be submitted for competitive bidding, as the extent and the time to be consumed in doing this work would develop as the repairs were undertaken.

The Governor and Council also considered the representation that the cost of the work would be greatly increased by submitting it to competitive bidding, since the contractors would be obliged to travel some distance from where they are located, and likewise their employees would have to travel from their homes and take up quarters at Fort Kent for room and board during the progress of the work.

In view of these circumstances, the Governor and Council determined, as their order indicates, that these repairs and improvements should be done on a day-labor basis.

I think that this order falls within the spirit of Chapter 14, Sections 43 et sequitur, and is not in conflict with the law.

ABRAHAM BREITBARD
Deputy Attorney General

March 30, 1948

To Ernest H. Johnson, State Assessor
Re: Revised Statutes, Chapter 142, Section 15

In your memo of March 18th you ask whether, under the authority granted by Chapter 142, Section 15, permitting the State Tax Assessor to extend the time of payment of the inheritance tax, you can grant an extension with conditions as to the payment of interest during the time of the extension, to compensate the State for non-use of the money.