

MAINE STATE LEGISLATURE

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STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

May 15, 1950

To H. M. Orr, Purchasing Agent

Re: Bid of Pennsylvania Petroleum Products Company

Reference is made to your memorandum of May 11, 1950, which was accompanied by a letter dated May 4, 1950, addressed to you by the Pennsylvania Petroleum Products Company and signed by B. W. Sears, President, a balance sheet of that company as of November 30, 1949, also signed by the president of the company, and bid No. H-2147, which was transmitted to you under cover of the aforementioned letter of May 4, 1950.

In your memorandum of May 11, 1950, you stated in part: "You will note upon examination of the enclosed bid that they failed to sign the bid. It is requested that you furnish this office with a written opinion as to the validity of the bid."

As we view the situation, the sole question before us is whether or not, if you were to award the contract to Pennsylvania Petroleum Products Company and that company failed to carry out the contract in accordance with the terms thereof and the provisions of the Administrative Code, so called, under which you are acting, this office could secure redress for the State of Maine.

The exact legal problem presented is whether or not the letter of May 4, 1950, signed by the president of that company, to which are attached the financial statement and bid, is sufficiently specific to bind the company as a bidder even though the bid form itself is not signed.

Since the determination of this question would depend in a court trial upon the intention of the bidder, it was necessary for this office as a result of your memorandum to ascertain the exact intent of the bidder before advising you. Accordingly I talked with Mr. B. W. Sears on Thursday, May 11, 1950, during which conversation I ascertained that it was his intention to be bound by his letter of May 4, 1950. Since he assumed that he was bound by his letter, I asked him to confirm the same in writing. We have now received from him a letter dated May 11, 1950, in which he states that the letter of May 4, 1950, is binding upon that company and that if we have any question as to whether or not they are bound they would be pleased to sign a document which would be binding.

In view of the contents of his letter of May 11, 1950, I do not consider it necessary to secure any additional signature, since his letter adequately expresses his intention.

I am transmitting herewith his letter of May 4, 1950, with accompanying attachments and his letter addressed to me, dated May 11, 1950.

JOHN S. S. FESSENDEN

Deputy Attorney General

May 17, 1950

To E. K. Sawyer, Supervising Inspector of Elevators

Re: Section C, Chapter 374, P. L. 1949

I acknowledge receipt of your communication of May 9th in re Section C, Chapter 374, P. L. 1949, which relates to the duties of the elevator inspectors. You state that the above section provides the duties of the Board relating