

# MAINE STATE LEGISLATURE

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700

May 22, 1951

To Homer Orr, Purchasing Agent  
Re: Coal Controversy, Calais

In reply to your memorandum of May 18, 1951, I do not believe that you would be justified in removing the name of the Sadler Coal Company from your lists of bidders for the sole reason that their business is predominantly operated in St. Stephen, New Brunswick.

Outside of any information furnished by your office, I have been informed (how reliably I do not know) to the effect that anthracite coal purchased from this company by the State never leaves the United States and is never delivered to St. Stephen, N. B., but that, on the contrary, it is shipped directly from the mines to Portland, Maine, and there transhipped by railroad to the vicinity of Calais, where it is unloaded from the railroad cars and delivered in accordance with the State's orders.

It is my opinion that before a person is denied the right to make a bid for the State's business, all facts should be considered, and not merely a single alleged predominant fact.

Under the provisions of Section 39 of Chapter 14, R. S. 1944, the standardization committee is given authority to prescribe the purchasing policies of the State. I believe that it is within the authority of the standardization committee to develop policies with respect to eligibility of bidders.

The Sadler Coal Company is a Maine corporation with offices in Calais.

John S. S. Fessenden  
Deputy Attorney General

jssf/c