

MAINE STATE LEGISLATURE

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November 2, 1951

To Harry E. Henderson, Deputy Treasurer of State
Re: Sale of cigarettes and tobacco on the basis of bids

To my knowledge it has never been the policy of the State to attempt to enforce a bid which is known to be, or appears to be, palpably or obviously erroneous.

If you are satisfied that the bid referred to in your memo of November 1, 1951; was the result of a gross error unintentionally made by the bidder, it would be neither fair nor equitable for the State to attempt to enforce such a bid.

Presumably all the bidders were bidding in good faith and were submitting their bids upon the basis of the highest amount that they would be willing to pay for the material which you were offering for sale. There can be no valid objection from any of such bidders, when the sale is in fact made to one who bids higher than any of the other bids made.

From this standpoint there is no reason why you should not make the sale to the concern bidding approximately \$10 higher than any other bid received.

John S. S. Fessenden
Deputy Attorney General

jssf/c

(See 12 Am. Jur. 628, §136)