

MAINE STATE LEGISLATURE

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June 10, 1952

To L. Smith Dunnack, Esquire, Assistant Attorney General (Highway)
Re: Land Purchases

We are enclosing a copy of a memo written by you to Harlan Harris, State Controller, which has been presented to this office by Mr. Harris. We have read your memo and are in perfect agreement with your opinion that the State Highway Commission may purchase land for the purpose of constructing buildings to be used for highway purposes.

Mr. Harris, however, tells us that he interprets your opinion to the effect that such land can be purchased and a building constructed thereon without an order of the Executive Council. We do not see this opinion expressed in your memo of June 5th, but Mr. Harris states that your memo arose as the result of his questioning the right to purchase such land for the purpose of constructing a building thereon without a Council Order.

It has always been the opinion of this office that lands to be purchased by State agencies must first receive the approval of the Governor and Council, and to this effect we refer you to an opinion dated August 19, 1946, by Ralph W. Farris, then Attorney General, to Lucius D. Barrows, Chief Engineer of the State Highway Commission.

This opinion has been expressed in the past because of the feeling that it would be safer to have the Governor and Council authorize such purchase, and that while it may not be absolutely necessary, it at least enables the Controller and other officers to keep a proper account of State-owned lands. Mr. LaFleur is also of the opinion that a Council Order should issue.

In view of Mr. Harris's interpretation of your opinion, we felt that we should inform you of the feeling of this office and wondered if in some way we could not reconcile the matter.

James G. Frost
Deputy Attorney General

jgf/c