

MAINE STATE LEGISLATURE

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August 12, 1954

To John R. Dyer, Purchasing Agent
Re: Bid of Dakin Sporting Goods Co.

Herewith returned is the correspondence concerning the bid of Dakin Sporting Goods Co. for Speed Graphic camera outfits.

It appears that Dakin submitted a bid which was less than Fair Trade discount authorized by the agreement between Graflex and the Dakin Sporting Goods Co., said agreement being within the contemplation of Chapter 169 of the Revised Statutes of 1944 (the Fair Trade Act).

This office is of the opinion that all bids with respect to this particular purchase should be rejected and new requests for bids sent out. It could not possibly be the policy of the State to enforce a contract where such enforcement would result in the breach of the contract legally made between other parties. x

The purchase of the equipment from another source, charging the difference to Dakin would in effect be compelling Dakin to breach his contract with Graflex, Inc. Hence the opinion that all bids should be rejected and new requests sent out. x

James Glynn Frost
Deputy Attorney General

jgf/c