

MAINE STATE LEGISLATURE

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June 7, 1956

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To Vaughan M. Daggett, Chief Engineer, State Highway Commission
Re: Contracts with Consulting Engineers

You have requested my opinion as to the legality of entering into contracts with consulting engineers for the purpose of planning highway projects.

It is doubtful if the drafters of the Personnel Law foresaw this kind of situation. Provisions therein permit temporary employment of experts, but speak in terms of an individual and the law obviously has no provisions that apply to a contract for a complete job. Moreover, even this temporary appointment seems to apply to an individual of specialized skill.

Under the general Highway Law, the Highway Commission has authority to construct roads. From time to time the courts have held that the legislature intended to give the Commission such authority as was necessary to carry out the general intent of the law.

It is obvious that the process of hiring additional engineers (if they could be hired) would not solve the problem facing the State.

The act of contracting with a firm to do a complete job is the only economical and efficient answer to the problem. It would be very reasonable to maintain that it was the duty of the Highway Commission to solve this problem in the economical and efficient manner of contracting for an engineering job.

The statutes, obviously, do not provide for large scale part-time employment of engineers and it is reasonable to rule that this method of contracting is a properly presumed power.

It is my opinion that any contracts entered into with the various consulting engineers are directly within the statutory power of the Highway Commission.

L. Smith Dunnack
Assistant Attorney General

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