

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1959 - 1960**

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education is to develop the capabilities of each child to the fullest for the benefit of society in general. I mention this to indicate what I believe is the basis of reasonable rules and tests to determine whether or not a child can profit from attendance at a school as set out in Section 102, Chapter 41.

GEORGE A. WATHEN  
Assistant Attorney General

November 5, 1959

To: Perry D. Hayden, Commissioner of Mental Health & Corrections  
Re: Sale of Surplus Products from State Institutions

I have your request for information concerning the authority of the Department of Mental Health and Corrections to dispose of surplus farm products produced at State Institutions.

It appears that the Bureau of Purchases has authority to dispose of this surplus property under Section 34, VI, Chapter 15A.

Section 36 provides that the purchasing agent with the approval of the Commissioner may adopt rules and regulations for certain purposes. Subsection VI states one of the purposes for which rules may be promulgated, to wit, providing for the transfer of surplus supplies, materials, and equipment from one department to another and the disposal by private or public sale of supplies, materials and equipment which are obsolete and unusable.

Section 39 provides that competitive bidding may be waived by the purchasing agent when the interest of the State would be best served thereby.

GEORGE A. WATHEN  
Assistant Attorney General

November 5, 1959

To: Maine Employment Security Commission  
Re: Amount Available for Construction of M.E.S.C. office building

We have your request for an opinion regarding two questions:

1. Should the expenditure of \$2,950 for architectural fees be charged against the funds provided under Chapter 150, Private & Special Laws of 1957?
2. How much money is available to the M.E.S.C. to complete the project?

Chapter 150, Private & Special Laws of 1957 provided that the Commission was authorized to requisition \$600,000 from the unemployment trust fund for the purpose of constructing an office building and other purposes incident thereto. Section 7 of Chapter 150 provided that the funds could only be used for expenses incurred after the date of enactment of the appropriation, and Section 8 provided that the moneys should be *expended* within a two-year period after the date of the enactment, which date was August 28, 1959.