

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

February 11, 1974

James K. Keefe, Commissioner

Commerce & Industry

Eliot Field, Assistant

Attorney General

You asked whether or not there is any statute prohibiting the Department of Commerce and Industry (DCI) from sub-leasing a portion of the so-called Marden Building. We understand that the DCI now leases the Marden Building from Sampson Super Markets and has an opportunity to sublease part of the building. We also understand that the original lease allows subleasing to other state agencies without approval, and to non-state third parties with the approval of the lessor. We can find no statutory provision prohibiting such sub-leasing.

However, where an agency does not have express authority to lease or purchase real property, as is the case with DCI under the present statutes, any leasing done by DCI should conform to the general statutory leasing provisions for state agencies. Under those statutes, the Finance and Administrative Department, through the Bureau of Public Improvements, is expressly authorized "to lease or approve leasing of grounds, buildings, facilities and office space required by departments and agencies of the State Government." (5 M.R.S.A. § 1742 (19), (emphasis added).) Thus the Bureau of Public Improvements should handle DCI leasing and subleasing. In the case of the Marden Building, since the lease allows a sub-lease, the contemplated sub-lease is permissible if approved by the lessor and the Bureau of Public Improvements.

EF/mf

AN INFORMAL OPINION