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MEMORANDUM

To: Ron Lord, Bureau of Purchases
From: Terrance J. Brennan, Assistant Attorney General
Date: February 23, 1989
Subject: Baxter State Park Purchases

At the request of Assistant Attorney General Paul Stern who represents the Baxter State Park Authority, I have recently researched the issue as to whether the Baxter State Park Authority must have the approval of the Bureau of Purchases prior to making purchases of equipment and services.

I have concluded that the Authority is not required to seek such approval. I base this conclusion upon 12 M.R.S.A. § 901 which states that the Commission "shall have full power in the control and management" of the Park, upon the clearly expressed intent of Governor Baxter in establishing the trust, and upon the fact that State funds are not used for such purposes. I also concur with Paul Stern and Bill Stokes of this office who have reached the same conclusion reasoning that the Baxter State Park Authority is an independent Authority and not a "department or agency" of the State and that therefore 5 M.R.S.A. § 1816 does not apply.

Should you have further questions or comments regarding this matter, please do not hesitate to contact me.


TERRANCE J. BRENNAN
Assistant Attorney General

TJB:sw

cc: Paul Stern ✓