

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)

NINETY-FOURTH LEGISLATURE

Legislative Document

No. 1545

S. P. 570

In Senate, April 20, 1949.

Reported by Senator Smart of Hancock from Committee on Claims and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

RESOLVE in Favor of York Electrical Company.

York Electrical Company; reimbursed. Resolved: That there be, and hereby is, appropriated from the unappropriated surplus of the general fund in favor of York Electrical Company the sum of \$995.21 for reimbursement of labor and materials furnished for cutting a right of way, running a new telephone line, and installing new service on Ossipee Hill in Waterboro, by permission of the forestry department and the Maine state police department.

STATEMENT OF FACTS

On June 25, 1946, the state police department put through a purchase order in favor of the York Electrical Company, 222 Middle Street, Portland, Maine, which provided that the state police would advise when to start construction, to furnish labor and materials and construct a transmission line including entrance installation of electrical service for a 60 amp. 115/230 volt 60-cycle entrance to a concrete transmitter building to be erected about 150 feet east of the Forestry look-out tower at the top of Ossipee Hill in Waterboro, for the sum of \$2235. On November 19, 1946, voucher on said purchase order in said sum was approved by the Maine state police, and on January 8, 1947, said amount was paid to the York Electrical Company.

It was understood orally between the Maine state police department and the forestry department that if a permit was given by the forestry department to build a radio tower on Ossipee Mountain, there would be no expense to the forestry department and that the state police department would take care of replacing the telephone line which the forestry department was using, running to its tower at the top of Ossipee Mountain.

The York Electrical Company did the work of installing the electrical supply line for the tower on top of the mountain and also widened the right of way for fire safety purposes, with the consent of both the forestry department and the Maine state police department. The telephone line was installed and the forestry department furnished the telephone wire for stringing the new telephone line.

Afterwards, both the forestry department and the Maine state police department refused to pay for the work which was permitted to be done in excess of the purchase order for which the York Electrical Company had been paid. The York Electrical Company asks for reimbursement on the basis of an implied contract; the state having accepted the work and material for the new telephone line, it is requested to reimburse the York Electrical Company for \$995.21.