

MAINE STATE LEGISLATURE

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February 13, 1924

To Honorable Percival P. Baxter, Governor of Maine
Re: Use of Armories

(After a summary of the military law applicable to armories):

The amendment of 1921 says that the law shall not be construed to prevent the use of any armory erected under the act for such other public purposes, not interfering with military purposes, as the municipal officers may authorize. This, it seems to me, was not intended to, and does not, divest the Armory Commission of its control over the armory, for it seems clear that the question of whether any use or contemplated use is an interference with military purposes is for the Armory Commission and not for the municipal officers to determine.

This is doubly certain from the fact that since the 1921 amendment the Legislature of 1923, by Section 65 of Chapter 174, reaffirmed the duty of the Commission as to armories by providing that it should be the duty of the Commission to exercise general supervision and control over all armories. This is the last word of the legislature on the subject.

If the use of the armory is for a purpose not interfering with military use, the municipal officers may authorize such use, but whether such use does interfere with its use for military purposes is a question for the Armory Commission.

Under the law as it is, there need be no conflict of authority. The Armory Commission undoubtedly can, if it sees fit, prescribe what use of an armory will not be an interference with military use and so certify to the municipal officers, in which case the latter would have the power to give permission for its use from time to time for the purposes and in the manner so prescribed by the Armory Commission.

William H. Fisher
Deputy Attorney General