

MAINE STATE LEGISLATURE

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November 13, 1940

To The Bureau of Accounts and Control
and
The State Military Defense Commission

Gentlemen:

In response to your joint inquiry of November 14, as to the construction of and procedure under Chapter 120 of the P. & S. Laws of 1940, entitled: "AN ACT Authorizing a Bond Issue for Military Expenses", and Chapter 308 of the Public Laws of 1940, entitled "AN ACT Providing for Improvement in Military Preparedness", I am pleased to suggest that Section 1 of Chapter 120 provides for the expenditure of moneys authorized for military purposes by Section 2 of said Act, namely, for an issue of State of Maine War Bonds not exceeding \$2,000,000; and that by Section 7 of said Act the State Military Defense Commission created by the Eighty-ninth Legislature is charged with the duty of directing the expenditures authorized in Section 1, ~~cases~~ especially for the building and improvement of armories, airports, and procuring military equipment, and obtaining, and/or improving lands and buildings for military purposes.

There does not appear in this Act to be any authorization for maintenance or operation after construction or improvement.

Chapter 308, Public Laws of 1940, being an amendment of Section 54 of Chapter 18 of the Revised Statutes, provides for a State Military Defense Commission of eight members, and that the Governor and Adjutant General and their successors shall be ex officio members during their respective terms of office. The duty of this commission is to exercise general supervision and control over all armories, drill rooms, headquarters offices, stables and State owned or controlled realty used for military purposes ***** to devise effective means of obtaining and maintaining such armories ***** to determine the administrative function of military suitability and adequate maintenance of all armories, drill rooms, headquarters offices, etc.

From the foregoing, it is evident that the aforesaid commission have the maintenance and control of the aforementioned

military properties.

It appears to me that, in the absence of any definite provision in the law relative to the actual and effective maintenance and control of said properties, this duty may properly be delegated by the Commission to the Adjutant General who, under the provisions of Section 15 of Chapter 18, Revised Statutes (1930) is: "Responsible for the care, preservation, and repair of all military property belonging or issued to the State for the arming and equipping of the militia".

Very truly yours,

Sanford L. Fogg
Deputy Attorney General

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