

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

September 18, 1941

Honorable Sumner Sewall
Governor of Maine
Augusta, Maine

Sir:

Several of the sheriffs have approached me recently to ascertain whether or not they can make appointments of special deputies under Chapter 94, Section 9, of the Revised Statutes. Said Section provides that: "Whenever a state of war shall exist or be imminent between the United States and any foreign country, sheriffs may appoint male citizens more than eighteen years of age not eligible for military service as special deputies who shall have and exercise all the powers of deputy sheriffs appointed under the general law except the service of civil process. Such special deputies shall be personally responsible for any unreasonable, improper, or illegal acts committed by them in the performance of their duties, but the sheriffs shall not be liable upon their bonds, or otherwise, for any neglect or misdoings of such deputies."

Section 10 provides that the sheriff appointing such special deputies shall notify the clerk of courts and county commissioners giving the names of the deputies and the dates of their appointment, and the county commissioners shall fix their compensation not exceeding \$3.50 a day for time actually spent by them and also their actual necessary expenses incurred in performance of duty.

Up to the present time, it has seemed necessary to accept the statement of the President of the United States that a state of war is not imminent. However, in view of the disclosures made recently by the Secretary of the Navy to the effect that American naval vessels have been ordered to fire on sight at war vessels of Germany or Italy, we are justified in the opinion that a state of war is now imminent. Under the circumstances, you should so inform the various sheriffs of the State so that they may proceed to enroll special deputies to take care of any emergencies that may arise.

Very truly yours,

FRANK I. COWAN
Attorney General

September 19, 1941

From:
Frank I. Cowan, Attorney General

To:
Hon. Sumner Sewall, Governor

I have the letter from the Acting Petroleum Coordinator for National Defense to you in regard to use of toll bridges and toll roads in the State of Maine by army motor vehicles.