

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.

Revised Statutes, Chapter 31, Section 15, provides as follows: "All military companies, with their ordnance and equipage, on days of training or review, while under arms, or in going to or returning from their place of parade,, may pass over toll-bridges, free of toll."

This statute seems to take care of the necessities of the Petroleum Coordinator and is broad enough to permit the passage of army motor vehicles as described in the letter of September 7th, 1941, without the payment of tolls.

Attorney General

September 19, 1941

Hon. George E. Hill
State Tax Assessor
Augusta, Maine

Dear Sir:

I have your letter of September 10th asking three questions in regard to administering the affairs of towns and plantations deorganized by Act of the Legislature. I will reply to your questions seriatim.

1. It seems to me that title to town owned property vests in the State of Maine as trustee.

2. The State Tax Assessor should destroy a tax lien under the circumstances you have cited as provided by statute.

3. You have raised a serious question in your third and fourth interrogatories which would better be answered when a specific case arises. Apparently the State of Maine will be the grantor, but unless you have an actual case in hand I prefer to withhold an opinion on the procedure. If you have a specific case give me the facts and I will work out the method.

Very truly yours,

FRANK I. COWAN
Attorney General

September 19, 1941

From:
Frank I. Cowan, Attorney General

To:
Belmont Smith, State Treasurer

I have your memorandum of September 18th, asking about the limit on deposits of State moneys in the Depositors Trust Company and the First National Granite Bank of Augusta, in reference to the provisions of Chapter 310 of the Public Laws of 1939, approved April 26, 1940, and appearing in the bound volume of the Laws of 1941, on page 16.