

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

January 19, 1942

To The Honorable Senate and
House of Representatives:

I have your request for information in regard to the alleged shortage in the office of the Adjutant General, as reported by the State Auditor under date of August, 1941.

The first I knew of this matter was when I read it in the Auditor's report. I immediately called for details which were given to me as follows:

1. Sometime during the year 1940, prior to my taking office and prior to the taking of office of the present Adjutant General, two members of the State National Guard used a State truck which was assigned to the Guard, without authority and damaged it. The damage was estimated at \$700.00. No suit was ever brought to determine liability or the amount of damage, and prior to the time the matter was brought to my attention, the soldiers involved were inducted into the Federal service. Under Federal law, no action can be brought against them while they are in the service of the United States, so any action to determine whether or not they were liable and, if so, the amount of liability, must be held in abeyance until the men are discharged from the service.

2. The Auditor's report showed that in the years 1932 and 1933, a Captain in the National Guard had apparently failed to file a voucher in connection with his traveling expense accounts, so that there was a balance of \$51.35 unaccounted for. This officer is also now in the Federal service and under the Federal law, no action can be brought against him. But prior to the time when the case was referred to my office, contact had been made with him by the State Auditor or the State Treasurer and the Auditor's report to me is that the officer, while not agreeing with the figures, has promised to repay the State rather than have any question of his integrity. If the officer does not make repayment, of course, action will be started against him as soon as it can be under the Federal law to recover the amount.

To The Honorable SENATE AND
To the House of Representatives
January 19, 1942
Page 2.

The Auditor's report also developed that between the dates of March 3, 1934 and July 7, 1939, there had accumulated in the traveling expense accounts of another National Guard officer, an unvouchered balance due the State of \$157.45. This amount was repaid by the officer as soon as it was brought to his attention.

In connection with the traveling expense accounts of another National Guard officer, from October 15, 1932 to September 20, 1939, there had accumulated a lack of vouchers so that there was an apparent balance due from the officer to the State of Maine of \$152.21. This was promptly paid by the officer as soon as it was called to his attention, although he stated that, in his opinion, the State of Maine owed him considerably more than he owed the State.

The last item in the Auditor's report involved the operation of the gas tanks at the Augusta airport. A National Guard official took charge on December 17, 1940 and continued in charge until May 6, 1941. An apparent shortage of 602 gallons of aviation gas with a net value of \$123.41 was found. There was also a matter of \$26.51 from the sale of oil and gas which was not properly accounted for, making a total in this officer's account of \$149.92. I have had two conferences with this officer. He is of the opinion that there was an error in the original billing of gas to the State, which would account for a part at least of the 602 gallons. He is now endeavoring to uncover evidence to show that error. To whatever extent he can develop it, the State will obtain a refund from the company selling the gas and oil. Any balance the officer has promised to pay immediately.

It is my intention to have this account taken care of one way or the other during the current week, so that the alleged shortage in the Adjutant General's Department will be reduced to the unliquidated charge for \$700 for damage to a truck, which may or may not be a proper charge against the Department, and the amount of \$51.35 not immediately collectible because of the Federal statute.

Respectfully submitted,

Frank I. Cowan
Attorney General

FIC:GH