

MAINE STATE LEGISLATURE

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May 20, 1942

Frank I. Cowan, Attorney General

Sumner Sewall, Governor of Maine

The fear that Mr. Furnival of Portland is quoted as feeling because of the wording of Executive Order #6, the purpose of which is to save from the brand of pauperdom the dependents of a person actively enrolled in the military, naval, marine or air service of the Federal Government, is not well grounded. Executive Order #6 simply places these dependents in the same classification as the families of soldiers, sailors and marines who served in the last World War, as provided in R. S. Chapter 33, Section 8.

The order does not in any way suggest modification or abridgment of the right of a municipality to recover from the soldier's or sailor's town of settlement, nor the right of the overseers of the poor to remove and support such dependents in the town of his settlement.

Executive Orders issued under the provisions of Chapter 305 of the Public Laws of 1941 (the Civilian Defense Act) must be strictly construed. By the very nature of the Act authorizing them they cannot be extended except by the most urgent necessity. The Civilian Defense Act is a measure of war expediency. Under it the Governor has the duty of issuing orders that are to have the effect of law. Since our form of government is Democratic, those orders can have effect within their express language, and no further. To construe Order #6 in the broad manner in which Mr. Furnival has interpreted it is wholly contrary to our theory of government, and such a construction cannot be accepted.

Frank I. Cowan
Attorney General

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