

# 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)

STATE OF MAINE

---

REPORT

OF THE

ATTORNEY GENERAL

---

for the calendar years

1941--1942

From: June 12, 1942  
John S. S. Fessenden, Ass't Attorney General

To:  
Governor Sumner Sewall

*RE: Authority to Grant Permissive Use of Fort McClary, at Kittery Point*

You are advised that under Section 54, Chapter 18, of the Revised Statutes of Maine, as amended by Chapter 308 of the Public Laws of 1939, you, as Chairman of the Military Defense Commission, have authority to grant the right to the Harbor Defense Command of the United States Army, at Portsmouth, to use Fort McClary, Kittery Point, for the purpose of establishing a searchlight position. Since this use does not involve a leasing or ceding of buildings, or of any of the other properties, but is merely to be a temporary use, it is not necessary for any action to be taken either by the Council or by the full membership of the Maine Military Defense Commission.

Accordingly, I have prepared, for your signature, a letter which will grant the authority which has been requested by Colonel Pendleton, Commanding, Harbor Defense of Portsmouth.

JOHN S. S. FESSENDEN  
Ass't Attorney General

From: June 17, 1942  
The Attorney General

To:  
Harold I. Goss

Under the Constitution of Maine the Secretary of State is elected by joint ballot of the two Houses of the Legislature. No provision is made for filling a vacancy in the office. The Legislature, however, has provided that in case of a vacancy the Governor and Council shall appoint "a suitable person to act as Secretary of State".

The proper designation of the person so appointed is "Acting Secretary of State" since there is no authority in the Governor and Council to appoint a "Secretary of State".

FRANK I. COWAN  
Attorney General

From: June 19, 1942  
Frank I. Cowan, Attorney General

To:  
William D. Hayes, State Auditor

*Re: Town Clerks' collecting dog taxes—Your memo of May 22nd.*

Public Laws of 1941, Chapter 278, Section 1, amending R. S. Chapter 5, Section 157, puts the burden on the municipality to make a correct report to the Commissioner of Agriculture of all dogs owned