

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

Since Auxiliary Policemen are not actually "exercising any of the powers" of the executive branch, there can be no incompatibility in such individuals retaining their commissions either as Notaries Public or Justices of the Peace.

This opinion must not be considered as an interpretation of the status of Civilian Defense Corps members mentioned in Section 2 of the Civilian Defense Act. Such persons are expressly endowed with "the powers and immunities of constables," and are thereby made a part of the executive branch.

Attorney General

From:
Frank I. Cowan, Attorney General

July 2, 1942

To:
William D. Hayes, State Auditor

In re Port of Portland Authority

In my opinion the Port of Portland Authority is an agency of the State of Maine, set up in the form of a corporation for greater facility in transacting its peculiar type of business.

All assets of the Authority are property of the State of Maine.

Attorney General

From:
Frank I. Cowan, Attorney General

July 8, 1942

To:
Honorable Sumner Sewall, Governor of Maine

I have carefully considered your query as to whether or not as Governor you have the power and the right to use such material forces as may be available for the protection of shipping along the coast of the State of Maine and for the escort of cargo vessels in and out of our ports and along the waters washing our shores.

The Federal Constitution, Article I, Section X, Paragraph 3, provides as follows: "No State shall, without the consent of Congress, engage in War, unless actually invaded, or in such imminent danger as will not admit of delay." The Constitution of Maine, Article V, Part First, Section 7, provides as follows: The Governor "shall be commander-in-chief of the army and navy of the State and of the militia, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State, without their consent or that of the Legislature, unless it shall become necessary in order to march or transport them from one part of the State to another for the defence thereof."