

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1941--1942

May 26, 1943

R. A. Graves, M. D.  
County Medical Examiner  
Presque Isle, Maine

Dear Sir:

I have your letter of May 24th, asking whether or not county authorities have jurisdiction in the case of deaths at the Air Base. The Army doctors who acted in the case to which you have referred probably conducted themselves in good faith but in ignorance of the law. There is no State law, and I know of no Federal law that would authorize Army doctors to take charge in case of a civilian death no matter where it occurs. The only exception to this would be the case of a crime committed on Federal property where the State has waived jurisdiction thus giving the Federal Government authority to punish.

The very rapid growth of our military and naval effort has made it impossible to provide that all Federal officers and officials shall be properly instructed regarding the law in the jurisdiction in which they find themselves. Sometimes they do things which are actually violations of the State law and which, being acts not properly in connection with their duties for the Federal Government, make them liable to prosecution. However, we recognize that they are innocent of any wrong intent in their violation of the State law and we go as far as we can in refraining from taking steps which might very well prove seriously embarrassing to them. We call their attention to the fact that they have done something which is not within their legal rights and, by friendly suggestion, point out the proper procedure. We find in general that they are very willing to cooperate. In the case to which you refer, I suggest that you call the attention of the Army doctors to the fact that the State has not waived jurisdiction in connection with the Presque Isle Air Base. As a matter of fact, the Air Port will not become the property of the Federal Government until July 9, 1943 when an act of the Legislature ratifying the conveyance of the property by the City of Presque Isle to the United States Government will take effect.

Very truly yours,

FRANK I. COWAN  
Attorney General of Maine

May 28, 1943

From:  
Frank A. Farrington, Deputy Attorney General

To:  
Lucius D. Barrows, Chief Engineer, Highway Dept.

*In re Washington Street Bridge over Kenduskeag Stream in Bangor*

This will acknowledge receipt of your letter of May 26th, relative to damages resulting from construction of the above named bridge.