

# MAINE STATE LEGISLATURE

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no

February 16, 1954

To George R. Petty, Assistant Director, Civil Defense & Public Safety  
Re: Advisory Bulletin from the Federal Government

We have your memo of February 9, 1954, and attached advisory bulletin from the Federal Civil Defense Administration relative to the authorization of Civil Defense officials to administer the loyalty oath. You ask: 1) If the provisions of the Federal law permit the State Civil Defense Director to delegate this authorization (permission to administer the oath) to local Civil Defense Directors; and, 2) If in consideration of the compensation provisions of the Maine Civil Defense and Public Safety Act we would deem it advisable to delegate such authorization to local Civil Defense Directors.

We would refer you to opinions of this office dated December 15, 1953 and June 9, 1952, in which opinions your first question was answered. We indicated that under this law it would undoubtedly be proper for the Director to give the oath referred to and that he might properly delegate the authority to give such oath. However, the wording of our statute is peculiar, in that Section 14 of Chapter 11-A of the Revised Statutes provides that the oath shall be taken before a person authorized to administer oaths in this State. Therefore we would again suggest that until such time as the underlined three words have been deleted from our law the oaths should be taken only before those persons to whom the State of Maine has granted the power to administer oaths.

James Glynn Frost  
Deputy Attorney General

jgf/c