

# MAINE STATE LEGISLATURE

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May 4, 1954

To Robert B. Dow, Esquire

Please find enclosed a certificate of organization of a corporation under Chapter 50 of the Revised Statutes, being returned to you without the approval of this office.

We are of the opinion that such a corporation is not acceptable under either the Federal or the State law.

The State Legislature, by enacting Chapter 11-A of the Revised Statutes of 1944, as amended, has "pre-empted the field" with respect to the organization of bodies for the purpose of Civil Defense work. You will note that Section 2 of the Act provides:

"The purpose of the provisions of this chapter is to create a state civil defense and public safety agency, and to authorize the creation of local organizations for civil defense and public safety in the political subdivisions of the state; . . ."

The local organization referred to, is defined in Section 3 to mean:

"an organization created in accordance with the provisions of this chapter by state, county or local authority to perform local civil defense and public safety functions."

Sections 8 and 9 set out in major part the place in civil defense which local organizations occupy. It can be seen that such an organization is subject to the direction and control of the municipal officers, and that extraterritorial jurisdiction is authorized by the political subdivision involved, subject to the approval of the State Director. Over-all control of Civil Defense and Public Safety is vested in the Governor and in the Director. The complete co-ordination necessary for the successful functioning of such an organization, and the co-ordination demanded by the statute, require that there be only such bodies in the organization as will come within the control of the Governor and the Director.

These and numerous other portions of Chapter 11-A compel us to arrive at the conclusion that our Legislature has made Civil Defense and Public Safety a State function and does not authorize the organization of private corporations to carry on the same functions, even more so where it is the intent of the corporation to exercise state-wide and perhaps even nation-wide powers.

As a result of this conclusion we do not feel that we can certify that the certificate is conformable to the laws of the State. . .

James Glynn Frost  
Deputy Attorney General

jgf/c