

MAINE STATE LEGISLATURE

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August 31, 1955

To Colonel Harry A. Mapes, Director of Civil Defense and Public Safety
Re: Agreement with New Brunswick

Reference is being made to the Memorandum of Understanding between the State of Maine and the Province of New Brunswick, which was submitted to the Governor for signature.

The form of the Memorandum gave rise to questions which resulted in a letter to Val Peterson, Administrator of the Federal Civil Defense Administration. As a result of Mr. Peterson's letter and because of precedents which have been already set, Governor Muskie is of the opinion that he would rather effectuate an understanding between the Province and the State of Maine in the same manner used by the State of Washington and British Columbia and by the United States and Canada, that is, by an exchange of notes or letters.

The form of the revised Memorandum of Understanding which was submitted for the Governor's signature as a result of Val Peterson's letter imports a binding Agreement or one of such solemnity that the Governor would prefer the manner above suggested.

As a result, Governor Muskie has asked this office to prepare a rough draft of such a letter and he also requested me to advise you of his decision in this matter. He tried to reach you on the 'phone, but you were not available.

The following form of letter appears to me to be in substance the kind of letter the Governor has in mind. I would suggest that you read it over and make any changes that you desire.

"To _____

"It is with a full understanding of the mutual ties of interest and friendship which exist between the people of the Province of New Brunswick and the State of Maine that this letter is being written.

"By virtue of the provisions of Section 6 of Chapter 12, Revised Statutes of Maine, 1954, general direction and control of the civil defense and public safety agency is vested in the Governor. Acting under the provisions of said Chapter 12 and with the desire to implement the intent of the exchange of notes, dated March 27, 1951, between the United States of America and Canada regarding mutual aid in Civil Defense activities, this letter will indicate the willingness on the part of the State of Maine to accept the attached Memorandum of Understanding as being the informal plans and procedures relating to mutual aid and assistance between your Province and the State of Maine in preparing for, and in the event of, a civil defense emergency.

"It is my intent to effectuate a mutual understanding between the Province of New Brunswick and Maine according to the terms of the attached Memorandum of Understanding, in the same manner as

that used by Canada and the United States in achieving their agreement, that is, by an exchange of letters.

"Upon receipt of a letter from you, indicating the willingness of the Province of New Brunswick to adopt the attached Memorandum of Understanding as being the informal plans and procedures relating to mutual aid and assistance, to be used by the Province of New Brunswick and the State of Maine in preparing for, and in the event of, a civil defense emergency, the State of Maine will consider such Memorandum as being immediately in existence."

We would further suggest that the Memorandum of Agreement be in the form of an attachment containing the material which has not been crossed out by pencil on the copy submitted to the Governor for signature.

You will note that there is an asterisk preceding the numbered paragraphs in the Memorandum, at which point it might be proper to include a heading and a preamble similar to the preamble contained in the Memo between British Columbia and the State of Washington. It appears to us that you are in a better position to prepare such a preamble than this office would be.

If you have any questions concerning this matter, do not hesitate to contact us.

James Glynn Frost
Deputy Attorney General

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enn