

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

May 3, 1956

720

To Honorable Edmund S. Muskie, Governor of Maine
Re: Appeal Cases, Cumberland County Superior Court

I return herewith the table of statistics of disposition of criminal appeal cases in Cumberland County sent to me with your memorandum. For whatever value the information may be to you, these statistics were compiled by a candidate for the office of County Attorney in Cumberland County in the coming primary election and not by the State Police from whom you received them.

The evaluation of these statistics, which you ask, is impossible without considering extrinsic facts. I understand you have recently received what is probably more comprehensive factual information in regard to this situation in Cumberland County. The information I believe you have been given is such that no evaluation by me should now be necessary.

You also ask my recommendation in connection with the statistics. My recommendation is based upon other extrinsic facts, as follows:

The State Police, for more than a year, have been dissatisfied with the disposition of criminal cases in Cumberland County. They have suggested that I invoke that statute authorizing the Attorney General to supersede a County Attorney. Upon their complaint this is not the proper procedure. The proper procedure to accomplish what they really want is to invoke that statute authorizing removal of County Attorneys by the Governor and Council after hearing. In my opinion, based upon such information as I have been able to acquire, there is not enough evidence to consider seriously a hearing by you and the Council.

It is to be noted that the State Police have a larger force of investigators than exists elsewhere in the State. It is also to be noted that the State Police have not furnished any evidence whatsoever, except this statistical table prepared by a private individual, to show any misfeasance or malfeasance in office.

We have previously refused to intercede in this matter in the manner requested by the State Police, and in return have asked them, through the Deputy, Donald Herron, to make the necessary investigation to determine if there were circumstances behind the disposition of the criminal appeal cases which would warrant action by the Attorney General. Deputy Herron declined this request and, instead of gathering facts to prove or disprove the suspicions harbored by the State Police, it appears, by their placing of these statistics before you, they are following the same procedure of trying to have someone else perform the duties for which they are particularly and peculiarly fitted.

It is, therefore, my recommendation that these statistics be returned to the State Police with instructions to conduct such investigation as they believe the statistics indicate is required and that they substantiate their suspicions with facts before disseminating them further.

Frank F. Harding
Attorney General

F
cc: State Police