

Supreme Court of the United States

OCTOBER TERM, 1972

No. 64, ORIGINAL

STATE OF NEW HAMPSHIRE, *Plaintiff*

v.

STATE OF MAINE, *Defendant*

BRIEF IN OPPOSITION TO MOTION  
FOR LEAVE TO FILE COMPLAINT

JON A. LUND  
*Attorney General*

CHARLES R. LAROUCHE  
*Assistant Attorney General*  
State House, Augusta, Maine 04330  
Counsel for Defendant

LEE M. SCHEPPS  
*Assistant Attorney General*

MARTIN L. WILK  
*Assistant Attorney General*

Of Counsel



## INDEX

	Page
Jurisdiction .....	1
Questions Presented .....	2
Statement .....	2
Argument .....	4
I. The Applicable Test .....	4
II. The Allegations Do Not Disturb The Geological Survey Map Boundary.....	6
III. The Allegations of The Boundary Line Claim By New Hampshire Are Not Substantial .....	8
A. Normal Construction of The Intent of The Order .....	9
B. Equality in Navigation .....	10
C. Thalweg Doctrine .....	10
D. Median Line — Equidistant Principle .....	12
E. Summary .....	13
IV. Probable Effect of Denial of Leave to File .....	14
Conclusion .....	15

## AUTHORITIES

CASES	Page
<i>Alabama v. Arizona</i> , 291 U.S. 286, 291 .....	5, 14
<i>Alabama v. Texas</i> , 347 U.S. 272 .....	5, 14
<i>Arkansas v. Mississippi</i> , 250 U.S. 39, 45 .....	10
<i>Clay v. Dodd</i> , 238 Ark. 604, 383 S.W.2d 504 .....	8
<i>Colorado v. Kansas</i> , 320 U.S. 383, 393 .....	4
<i>Crow v. Johnston</i> , 209 Ark. 604, 194 S.W.2d 193 .....	8
<i>Donsing v. U.S.</i> , 113 F.2d 615, 617 (7th Cir.) .....	8
<i>Horne v. Howe Lumber Co.</i> , 209 Ark. 202, 190 S.W.2d 7 ..	8
<i>Iowa v. Illinois</i> , 147 U.S. 1, 7, 8, 10 .....	10, 11
<i>Kansas v. Colorado</i> , 206 U.S. 46 .....	14
<i>Louisiana v. Mississippi</i> , 202 U.S. 1, 50, 53, 54 .....	8, 11
<i>Louisiana v. Texas</i> , 176 U.S. 1, 15 .....	5
<i>Maryland v. West Virginia</i> , 217 U.S. 1, 44 .....	8
<i>Missouri v. Illinois</i> , 200 U.S. 496, 520, 521 .....	4, 8, 14
<i>New Jersey v. Delaware</i> , 291 U.S. 361, 379, 380 .....	11



	Page
<i>New York v. New Jersey</i> , 256 U.S. 296, 309, 313 .....	4, 5
<i>North Dakota v. Minnesota</i> , 263 U.S. 365, 374 .....	4
<i>Ohio v. Kentucky</i> , No. 27, Original, March 5, 1973 .....	6, 8, 14, 15
<i>Pennsylvania v. West Virginia</i> , 262 U.S. 553, 618 .....	5
<i>Rhode Island v. Massachusetts</i> , 4 How. 591, 630 .....	8
<i>State v. Pennye</i> , 104 Ariz. 146, 559, P.2d 611 .....	8
<i>Texas v. Florida</i> , 306 U.S. 398, 428 .....	5
<i>U.S. v. O'Donnell</i> , 303 U.S. 501, 513, 517 .....	8
<i>U.S. v. Romaine</i> , 255 Fed. 253, 254 (9th Cir.) .....	7, 8
<i>Vermont v. New Hampshire</i> , 289 U.S. 593, 605 .....	10

#### CONSTITUTION OF THE UNITED STATES:

Article I, Section 10 .....	5, 14
Article III, Section 2 .....	1

#### STATUTES:

28 U.S.C. § 1251 .....	2
------------------------	---

#### MISCELLANEOUS:

50 American Jurisprudence, <i>Statutes</i> , §§ 235, 236, 242, 243, 247-249, 301-308, 368-370, 377 .....	10
Boggs, <i>Delimitation of Seaward Areas Under National Jurisdiction</i> , 45 American Journal of International Law, 241, 256-263 .....	12
<i>Boundaries of the United States and the Several States</i> , Geological Survey Bulletin 1212, United States Department of the Interior .....	7
<i>Convention on the Territorial Sea and the Contiguous Zone</i> , Article 12, Section 1 .....	12
31A Corpus Juris Secundum, <i>Evidence</i> , § 146 .....	8
1 Greenleaf, <i>On Evidence</i> , 16th Ed. § 139 .....	7
<i>The Original Jurisdiction of the United States Supreme Court</i> , 11 Stanford Law Review, 665, 694-700 ....	5
Shalowitz, <i>Shore and Sea Boundaries</i> , Publication 10-1, United States Department of Commerce, Coast and Geodetic Survey, § 2212, p. 230-235 .....	7, 12
V Wigmore, <i>On Evidence</i> , Third Ed., §§ 1591, 1592, 1633, 1665 .....	7

IN THE  
**Supreme Court of the United States**  
OCTOBER TERM, 1972

---

No. 64, ORIGINAL

---

STATE OF NEW HAMPSHIRE, *Plaintiff*

v.

STATE OF MAINE, *Defendant*

---

**BRIEF IN OPPOSITION TO MOTION  
FOR LEAVE TO FILE COMPLAINT**

---

Maine opposes the Motion for Leave to File Complaint on the ground that the Complaint offered for filing fails to allege facts that are clearly sufficient to call for a judgment in favor of New Hampshire. Accordingly, the Court should not exercise its extraordinary power under the Constitution.

**JURISDICTION**

New Hampshire's Motion seeks to initiate an action to have this Court determine a segment of the marine boundary between New Hampshire and Maine. Article III, Section 2, Constitution of the United States provides that:

"The judicial power shall extend . . . to Controversies between two or more States; . . ."

28 U.S.C. § 1251 provides that:

“... (a) The Supreme Court shall have original and exclusive jurisdiction of: (1) All controversies between two or more States; ...”

### QUESTIONS PRESENTED

Whether the allegations are clearly sufficient to call for a judgment in favor of New Hampshire?

A. Whether the allegations substantially impair the probability of accuracy of the boundary line recorded on the 1920 Geological Survey Map?

B. Whether the allegations of the boundary line claim by New Hampshire are clearly substantial?

### STATEMENT

On June 6, 1973, New Hampshire docketed with the Clerk of this Court a Motion for Leave to File Complaint and Complaint. The requested litigation concerns the location of the marine boundary between the States of Maine and New Hampshire which lies between the mouth of Portsmouth Harbor and the mouth of Gosport Harbor. New Hampshire relies upon the King's Order in Council, dated April 9, 1740, providing:

“[t]hat the Dividing Line shall pass up thro the Mouth of Piscataqua Harbour and up the Middle of the River. . . And that the Dividing Line shall part the Isles of Shoals and run thro the Middle of the Harbour between the Islands to the Sea on the Southerly Side.” Complaint, Section II, at page 3.

From this description, New Hampshire concludes, without explanation, that the boundary passes through the midpoint of Portsmouth Harbor and through the midpoint of Gosport Harbor, and that these two points

are connected by a *straight* line passing through the Atlantic Ocean. Complaint, Section IV, page 3. New Hampshire has portrayed its interpretation of this boundary line on a map appended to the Complaint, labelling this line "Portsmouth Harbor-Gosport Harbor." The Complaint does not state when, if ever, this version of the boundary line was first officially and publicly proclaimed.

New Hampshire also states that it has permitted its residents to fish in the area southerly and westerly of its described boundary and that it has issued licenses to permit such fishing. Complaint, Section VI, page 4. However, the Complaint does not allege that New Hampshire has ever either exercised or publicly proclaimed the power to exclude Maine residents from fishing in that area. Conversely, New Hampshire admits that Maine has not only licensed its residents to fish in that area, but that Maine law enforcement officers have excluded New Hampshire residents from that area. Complaint, Sections XI through XIII, pages 5 and 6.

It is also admitted by New Hampshire that Maine claims sovereignty rights southerly and westerly of the line labelled "Portsmouth Harbor-Gosport Harbor." New Hampshire further admits that Maine claims that the boundary line is not a straight line but that it is a line extending between these two harbors by a course described by compass readings and distances. New Hampshire further admits that the line claimed by Maine and to which Maine has exercised jurisdiction is as recorded by map makers on the Geological Survey map of the area published in 1920. Complaint, Sections VII and IX, pages 4, 5 and Appendix. New Hampshire alleges, without explanation, that

there is no legal basis for the map maker's boundary line. New Hampshire also alleges that officials of the Geological Survey do not know why the line was so described.

The map appended to the Complaint has pertinent information recorded in the lower left corner: The shore line and control work on this map were done by Coast and Geodetic Survey in a survey conducted in 1916-17 in cooperation with the War Department.

The final allegation states that commissioners from each State have met for the purpose of resolving the boundary dispute, but that an agreement has not been reached and that one does not appear likely. Complaint, Section XV, page 6.

## ARGUMENT

### I.

#### THE APPLICABLE TEST

This Court has reiterated that in suits between States, the Plaintiff has a greater burden than in ordinary, private litigation, and that:

"Before this court can be moved to exercise its extraordinary power under the Constitution to control the conduct of one State at the suit of another, the threatened invasion of rights must be of serious magnitude and it must be established by clear and convincing evidence." *New York v. New Jersey*, 256 U.S. 296, 309; *North Dakota v. Minnesota*, 263 U.S. 365, 374; *Colorado v. Kansas*, 320 U.S. 383, 393; and *Missouri v. Illinois*, 200 U.S. 496, 521.

For the purpose of determining whether or not to grant leave to file the Complaint in suits between States, the Court has applied a similarly stringent test



concerning the sufficiency of the allegations in the Complaint, stating that:

“Its jurisdiction in respect of controversies between States will not be exerted in the absence of absolute necessity. *Louisiana v. Texas*, 176 U.S. 1, 15. A State asking leave to sue another to prevent the enforcement of laws must allege in the complaint offered for filing, facts that are clearly sufficient to call for a decree in its favor.” *Alabama v. Arizona*, 291 U.S. 286, 291. Cf. *Alabama v. Texas*, 347 U.S. 272.

There are many practical considerations that compel application of this stringent test. See *The Original Jurisdiction of the United States Supreme Court*, 11 Stanford Law Review, 665, 694-700. Prominent among such considerations are the high cost that litigants must usually bear in such cases, the unusually protracted nature of such litigation, the possibility of such litigation being politically inspired,<sup>1</sup> the consumption by such litigation of a disproportionate amount of this Court's time, and the availability of a practical and expedient method of resolution of such differences by means of State compacts pursuant to Article 1, Section 10, Constitution of the United States.<sup>2</sup> See *New York v. New Jersey*, 256 U.S. 296, 313; *Texas v. Florida*, 306 U.S. 398, 428, Mr. Justice Frankfurter dissenting; *Pennsylvania v. West Virginia*, 262 U.S. 553, 618, Mr. Justice Brandeis, dissenting.

---

<sup>1</sup> “And the Court must be equally cognizant of the fact that suits within the original jurisdiction might be politically inspired; filing claims before the Supreme Court may give the appearance of significant activity to local constituents.” *The Original Jurisdiction of the United States Supreme Court*, 11 Stanford Law Review, 665, 695.

<sup>2</sup> Steps toward a compact on this dispute were initiated. Section XV, at page 6, Complaint.

The vitality of this test was reemphasized by the Court on March 5, 1973, in *Ohio v. Kentucky*, No. 27, Original:

“Under our rules the requirement of a motion for leave to file a complaint, and the requirement of a brief in opposition, permit and enable us to dispose of matters at a preliminary stage. [Cases cited] Our object in original cases is to have the parties, as promptly as possible, reach and argue the merits of the controversy presented. To this end, where feasible, we dispose of issues that would only serve to delay adjudication on the merits and needlessly add to the expense that litigants must bear.”

Therefore, let us consider whether or not the offered Complaint contains facts that are clearly sufficient to establish that the boundary line is not as recorded on the Geological Survey map by the map makers, but, instead, is as claimed by New Hampshire, a straight line which bisects the geographic centers of the base-lines across Portsmouth Harbor and Gosport Harbor, connecting those two points by a straight line passing through the Atlantic Ocean.

## II.

### THE ALLEGATIONS DO NOT DISTURB THE GEOLOGICAL SURVEY MAP BOUNDARY

New Hampshire admits that the boundary line claimed by Maine is a line which was drawn on a map published by the Geological Survey of the United States Department of the Interior in 1920. The information recorded in the lower left corner of Appendix A, Complaint, reveals that the shoreline and control work on this map were done by the Coast and Geodetic Survey of the United States Department of Commerce, and

that it was surveyed in 1916-1917 in cooperation with the War Department. In view of this information and since this boundary line involves harbors, the coastline and territorial water, it seems likely that the line labelled "Maine, New Hampshire Boundary Line" on Appendix map was actually drawn by Coast and Geodetic Survey personnel.

The accuracy in map and chart making by each of these bureaus is a matter of common knowledge. The United States Court of Appeals for the Ninth Circuit had this to say concerning the accuracy of the Coast and Geodetic Survey:

"We are unable to agree with the trial court as to the effect which should be given to the hydrographic maps of the United States Coast and Geodetic Survey as evidence in this case. We think the maps should be given full credence, and should be taken as absolutely establishing the truth of all that they purport to show." *U.S. v. Romaine*, 255 Fed. 253, 254, (1919).

While neither of these bureaus has the authority to establish legally binding boundaries between States, each of them has had extensive experience in aiding the establishment of such boundaries. See Shalowitz, *Shore and Sea Boundaries*, Publication 10-1 United States Department of Commerce, Coast and Geodetic Survey; and *Boundaries of the United States and the Several States*, Geological Survey Bulletin 1212, United States Department of the Interior.

The placement on an official map of a boundary line between two States by either of these bureaus ought to be viewed, initially at least, as being stamped with a probability of accuracy. Cf. 1 Greenleaf *On Evidence*, 16th Ed. § 139; V Wigmore *On Evidence*, Third

Ed., §§ 1591, 1592, 1633, 1665; 31A CJS, *Evidence*, § 146; *Crow v. Johnston*, 209 Ark. 604, 194 S.W.2d 193; *U.S. v. Romaine*, 255 Fed. 253; *Clay v. Dodd*, 238 Ark. 604, 383 S.W.2d 504; *Horne v. Howe Lumber Co.*, 209 Ark. 202, 190 S.W.2d 7; *State v. Pennye*, 104 Ariz. 146, 559 P.2d 611.

This probability is strengthened by the circumstance that it was publicly proclaimed and unassailed for fifty years. Cf. *Rhode Island v. Massachusetts*, 4 How. 591, 630; *Louisiana v. Mississippi*, 202 U.S. 1, 53, 54; *Maryland v. West Virginia*, 217 U.S. 1, 44; *Missouri v. Illinois*, 200 U.S. 496, 520; *Ohio v. Kentucky*, No. 27, Original, March 5, 1973; *U.S. v. O'Donnell*, 303 U.S. 501, 513, 517; *Donsing v. U.S.*, 113 F.2d 615, 617 (7th Cir.); and 31A CJS, *Evidence*, § 146, at page 331.

New Hampshire's barren, conclusory allegation (Complaint, Section IX, at page 5) that "no legal basis exists to justify the description" of the boundary as shown on the Geological Survey Map by Coast and Geodetic Survey is hardly enough to disturb that probability.<sup>3</sup> Nor is it disturbed by an allegation that "officials of the Geological Survey do not know why the line was so described" (*Id.*), especially since it seems likely that this line was drawn by officials of Coast and Geodetic Survey.

### III.

#### THE ALLEGATIONS OF THE BOUNDARY LINE CLAIM BY NEW HAMPSHIRE ARE NOT SUBSTANTIAL

Pretermittting the long, unassailed existence of the officially and publicly proclaimed boundary line re-

---

<sup>3</sup> See Part III hereunder for a discussion of several legal bases supporting the Coast and Geodetic Survey boundary line.

corded by Coast and Geodetic Survey, on a map published in 1920 by Geological Survey, and the still undisturbed probability of its accuracy, the proffered Complaint is inadequate to move this Court to grant leave to file it.

Since we have not been informed of the theory upon which New Hampshire relies for its conclusion that the boundary line is a straight line which bisects the geographic centers of the baselines across Portsmouth Harbor and Gosport Harbor, connecting those two points by a straight line passing through the Atlantic Ocean, we shall evaluate hereunder every recognized theory for boundary determination of which we are aware.

#### A. NORMAL CONSTRUCTION OF THE INTENT OF THE ORDER

Seemingly relying entirely upon the King's Order in Council of 1740, New Hampshire alleges that the Geological Survey map placement of the boundary line is incorrect because it is not straight. However, the 1740 Order in Council neither expressly nor by necessary implication prescribes that the section of the boundary line between Portsmouth Harbor and Gosport Harbor shall be "straight." The descriptive words simply say, "the dividing line," without further characterization.

New Hampshire does not suggest why the word "straight" must be read into this description. The context in which the words—"dividing line"—were used does not require an implicit prefixing of the word "straight." These words were used by the King in connection with his description of a *winding* line, i.e., one which must pass through the middle of the winding

Piscataqua River, through winding Piscataqua Harbor, through the middle of winding Gosport Harbor and a winding route through the Isles of Shoals. The clear thrust of this Order is to prescribe a *winding* rather than a *straight* line. The King was obviously concerned with *accessibility* to and from the apportioned provinces. See 50 American Jurisprudence, *Statutes*, Sections 235, 236, 242, 243, 247-249, 301-308, 368-370, 377.

### B. EQUALITY IN NAVIGATION

Equality in navigation has been declared to be a controlling consideration in boundary disputes involving waterways. *Iowa v. Illinois*, 147 U.S. 1, 7; *Arkansas v. Mississippi*, 250 U.S. 39, 45. The United States Coast and Geodetic Survey boundary line is plainly consistent with the King's clear, central purpose. The line suggested by New Hampshire is patently at odds with that purpose—it utterly ignores the requirement of equal *accessibility* to and through the *approaches* to each of these two harbors. Indeed, while a hydrographic chart would have been more enlightening to the Court in this respect, examination of even the topographic map appended to the Complaint will indicate that the line suggested by New Hampshire would preclude Maine from access into Portsmouth Harbor, because of the proximity of that line to Whaleback Light. Significantly, because of considerations of public convenience, the law disfavors an intention to deny access to a waterway. *Vermont v. New Hampshire*, 289 U.S. 593, 605.

### C. THALWEG DOCTRINE

It also seems that New Hampshire's claimed boundary line ignores completely the *thalweg* doctrine, i.e.,



that the *downway*, or middle of the main channel, of a navigable river is generally taken as the line of separation between two States bordering it. *Iowa v. Illinois*, 147 U.S. 1, 8, 10. This doctrine applies not only to rivers:

“But we are of the opinion that, on occasion, the principle of the *thalweg* is applicable, in respect of water boundaries, to sounds, bays, straits, gulfs, estuaries and other arms of the sea.” *Louisiana v. Mississippi*, 202 U.S. 1, 50; *New Jersey v. Delaware*, 291 U.S. 361, 379, 380.

In Section IV of its Complaint, at page 3, New Hampshire alleges that the boundary line passes through the midpoint of the mouth of Portsmouth Harbor and of Gosport Harbor. It seems from this and the lines on the map appended to the Complaint that New Hampshire contends that the boundary line passes through the geographic center of the baselines connecting the headlands of each of these two harbors. This construction of New Hampshire's claim is further indicated by its total omission of any verbal reference to *channels* and by its omission of a hydrographic chart from its Complaint.

It would surely be an extraordinary coincidence if the channels into *both* of these harbors bisected their geographic centers. This improbability is greatly increased by the appearance of the course of the Piscataqua River as it leaves the Harbor and by the proximity of Whaleback Light to the geographic center of the baseline across Piscataqua Harbor.

Thus, it is unlikely that the main channel out of Portsmouth Harbor and out of Gosport Harbor is along the New Hampshire claimed line. Accordingly, New

Hampshire's conclusory allegation cannot be based upon the thalweg doctrine.

#### D. MEDIAN LINE — EQUIDISTANT PRINCIPLE

Section 1, Article 12 of the Convention on the Territorial Sea and the Contiguous Zone, adopted by the United Nations Conference at Geneva in 1958, provides:

"I. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision."

This is known as the median-line or equidistant principle. See Section 2212, at pages 230-235, Shalowitz, *Shore and Sea Boundaries*, Volume One, U.S. Department of Commerce, Coast and Geodetic Survey, for a discussion of this principle, and especially Figure 50 at page 235, which illustrates the technique for construction of such a line. Also see Boggs, *Delimitation of Seaward Areas Under National Jurisdiction*, 45 American Journal of International Law, 241, 256-263, especially Figures 3 and 4, at pages 257, 261.

We suggest that the simple use of a pair of dividers or compass or even a mere visual inspection of the map appended to the Complaint will reveal that the line now asserted by New Hampshire clearly violates the

quoted principle at both ends of the line. For example, immediately after the New Hampshire claimed line departs the geographic center of the baseline across Gosport Harbor in the direction of Portsmouth Harbor it simultaneously decreases its distance from Appeldore Island, Maine and increases its distance from both Star Island and Lunging Island, New Hampshire.

Thus, it is readily apparent that the New Hampshire claimed line is not based upon a selection of turning points equidistant from the nearest point on the coastline of each State. On the other hand, the Coast and Geodetic Survey boundary line seems to be generally compatible with this median-line, equidistant principle.

#### E. SUMMARY

It appears that normal construction of the words of the King's Order in Council of 1740 does not support New Hampshire's conclusory allegation. It is also unsupported by the doctrines of accessibility, equal navigation, thalweg and the median-line, equidistant principle.

New Hampshire has suggested no substantial fact, rule of construction, principle of international or interstate law, or any reason whatever in support of the validity of its presently proffered line. We have made diligent research and inquiry but have not yet discovered any principle of law that might tend to cast even a color of validity to the New Hampshire claimed line. In short, it seems that New Hampshire's present claim that the Geological Survey map maker's placement of the boundary line is incorrect and New Hampshire's further claim that the true boundary line is straight and as described by New Hampshire are noth-

ing more than bald assertions based solely upon a fanciful wish. Accordingly, the conclusion seems inescapable that this Complaint is either frivolous or ill-conceived and prematurely proffered. Cf. *Alabama v. Arizona*, 291 U.S. 286; *Missouri v. Illinois*, 200 U.S. 496; *Kansas v. Colorado*, 206 U.S. 46; *Alabama v. Texas*, 347 U.S. 272; *Ohio v. Kentucky*, No. 27, Original, March 5, 1973. In any event, this Complaint forms an inadequate basis to move this Court to exercise its extraordinary jurisdiction under the Constitution.

#### IV.

#### PROBABLE EFFECT OF DENIAL OF LEAVE TO FILE

Denial of leave to file this Complaint, without prejudice, is not only warranted by the nature of the deficiencies in this Complaint, but it would also be beneficial to both parties and to the Court. It would allow New Hampshire an opportunity for further research and reflection. This might result in fruitful negotiations under Article 1, Section 10, Constitution of the United States. This result would benefit both parties by avoiding the high cost of such litigation. It would also benefit the Court by conserving its time. It might also benefit everyone concerned by bringing about a speedier resolution of this dispute.

On the other hand, if speedy resolution by compact does not occur, New Hampshire could redocket its Complaint. This might result in a more plausible and definitive Complaint, which would enable Maine to respond directly to whatever theory upon which New Hampshire rests its claim. It might well be that an appropriately particularized Complaint and response

would eliminate the need for any factual hearing and permit this Court to dispose of this dispute summarily as a matter of law. Cf. *Ohio v. Kentucky*, No. 27, Original, March 5, 1973.

In any event, the resolution of this dispute would probably be enhanced and advanced by present denial, without prejudice, of leave to file this Complaint. Accordingly, both of the parties and this Court would benefit by such denial.

### CONCLUSION

Wherefore, Maine respectfully submits that the Complaint fails to allege facts that are clearly sufficient to call for a judgment in favor of New Hampshire. Accordingly, the Court should deny this Motion for Leave to File Complaint, without prejudice.

Respectfully submitted,

JON A. LUND  
*Attorney General*

CHARLES R. LAROCHE  
*Assistant Attorney General*  
*Counsel for State of Maine*  
State House, Augusta, Maine 04330

LEE M. SCHEPPS  
*Assistant Attorney General*

MARTIN L. WILK  
*Assistant Attorney General*

*Of Counsel*

July 31, 1973











