

MAINE STATE LEGISLATURE

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November 28, 1937

The Social Security Board
Washington, D. C.

Gentlemen

In my capacity as Attorney General of the State of Maine, I have examined the Old Age Assistance Plan submitted herewith by the State of Maine for the establishment of a system of Old Age Assistance payments by the State of Maine in cooperation with the Government of the United States acting through the Social Security Board.

In my opinion the Plan outlines a system for the handling of Old Age Assistance payments which is in accord with the statutes and procedure of our State.

The basic authority in this State under the Plan submitted is the Department of Health and Welfare of which Mr. George W. Leadbetter is Commissioner and of which he is the single administrative head, and he has the last word in every instance in the carrying out of the system outlined in the Plan.

The submitted plan outlines the duties and responsibilities which are to be exercised by the Old Age Assistance Commission created by section 5 of Title II of Chapter 103 of

the Public Laws of 1937, and also outlines the duties and responsibilities of the Director of Old Age Assistance Division which is to be created in the Department of Health and Welfare.

The Plan clearly states that the outlined functions both of the Old Age assistance Commission and of the Director of the Old Age Assistance Division are merely administrative and advisory, and that the final decision on all matters is to be made by the Commissioner of Health and Welfare. In this connection the word "order" in the first line of the last paragraph of section 5 of Title II, should be construed as meaning "recommend", and the words "render a decision" in the last sentence of section 15 of Title II of the Act, should be construed as meaning "make a recommendation to the Commissioner of Health and Welfare". The interpretation I have suggested of two specific provisions of Title II is in line with my conception of the submitted Plan and of the provisions of Title II which is that the Commissioner of Health and Welfare is the supreme authority in all matters.

The provisions of the submitted Plan are approved
by us.

Very truly yours,

Francis U. Burkett
Attorney General of Maine