

MAINE STATE LEGISLATURE

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January 23, 1947

To Fred W. Rowell, Director of Veterans' Affairs
Re: Transfer of Veterans' Relief from Health & Welfare

I have your memo of January 23rd, stating that the Governor's Office has asked you to secure the opinion of this department on the following questions:

"(1) Does the Governor and Council have authority under Sections 5 and 6 of Chapter 305 of the Public Laws of 1941 (published as a supplement in the Public Laws of 1943) to transfer to the Division of Veterans Affairs the program now being administered by Health and Welfare under sections 299-306 of Chapter 22 of the Revised Statutes?"

Answer. My answer to Question 1 is in the affirmative.

"(2) Does the Governor and Council have authority under Sections 5 and 6 of Chapter 305 of the Public Laws of 1941 to transfer to the Division of Veterans Affairs from Health and Welfare any monies appropriated to Health and Welfare for the administration of Veterans Relief under sections 299-306 of Chapter 22 of the Revised Statutes, and not previously used by them for that purpose?"

Answer. My answer to Question 2 is in the affirmative.

"(3) If the Governor and Council have such authority and should make such transfer of activities and funds, would the Council Order authorizing the transfers remain in effect after Chapter 305 of the Public Laws of 1941 ceased to remain in force as provided for in section 13 thereof?"

Answer. My answer to Question 3 is in the negative.

"(4) If the Governor and Council lack authority to make such transfer of activities and funds, does the Legislature have authority to grant such powers to the Governor and Council irrespective of Chapter 304 of the Public Laws of 1941 or any other law or any constitutional provision?"

Answer. My answer to Question 4 is that, when the authority conferred by Chapter 305 of the Public Laws of 1941 is ended by Joint Resolution of the Legislature or by proclamation of the Governor, the Legislature, being the law-making body of the State, can delegate such powers to the Governor and Council as it deems fit and are not contrary to the Constitution of Maine; and if the Legislature deems it feasible, it can extend by statute the powers which were granted by Council Order #240, dated September 6, 1945, which created the Office of Veterans Affairs.

Ralph W. Farris
Attorney General

RWF:c