

MAINE STATE LEGISLATURE

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March 5, 1951

To General Spaulding Bisbee, Director, Civil Defense and Public Safety
Re: Financing the procurement of equipment

In a letter of March 2, 1951 addressed to the Governor by the Federal Civil Defense Administration the following request is made:

"Will you please ask your Attorney General to make certain that your State can legally:

1. pay into the U. S. Treasury, in trust, advance sums to be applied in payment of your share of the cost of defense equipment and supplies, and,
2. reimburse the Federal Government for your share in any instance where the initial outlay is wholly paid from the U. S. Treasury."

We are unable to give you a categorical answer to either of the questions raised for the reason that at the moment the questions appear to be largely academic. We are not informed as to the facts and details of the current existence of a federal program contemplating and providing for the questioned method of expending state funds. If a plan for either or both methods of expenditure exists, we need to know by reference to federal law the authorization under which the program was adopted.

Assuming that the State Legislature had appropriated funds for the purchase of Civil Defense equipment and supplies, and assuming that there exists federal enabling legislation under which there was authority in the federal Administrator to adopt a plan or program for the purchase of Civil Defense equipment and supplies, I can state as an academic proposition that within the provisions of Chapter 298 of the Public Laws of 1949 (Maine Civil Defense and Public Safety Act of 1949) and the provisions of Section 14 of Chapter 11, R. S. 1944, there is legal authority for the purchase of necessary Civil Defense equipment and supplies in accordance with valid state and federal programs. . .

John S. S. Fessenden
Deputy Attorney General

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