

# MAINE STATE LEGISLATURE

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November 17, 1954

To C. Wilder Smith, State Director, Farmers Home Administration  
Re: Capacity of a Soil Conservation District to Apply for a Federal Loan

We have before us your inquiry relative to the above captioned subject.

At the outset we should like to point out that this office advises the branches of the legislature, the Governor, his Council, and the heads of State agencies and commissions on questions of law relating to State matters.

We note that in the provisions of Chapter 29 of the Revised Statutes relating to soil conservation districts, the Attorney General is required to advise the State soil conservation committee. See Section 3 of said chapter. We are perhaps stretching a point by answering your inquiry. It would seem to me that if your administration is concerned with the rights of a soil conservation district formed under Maine law, it would be the primary duty of the legal advisers of your administration to answer your questions, as any opinions that I might give would be merely gratuitous and would not be binding on the district. I have, however, taken a quick perusal of the provisions of Chapter 29 and in particular Section 7 thereof, which defines the powers of the districts and their officers.

The powers granted to the districts are enumerated in ten subdivisions, but I find no provision in any of them authorizing the districts to borrow money. I particularly note subsection VII of Section 7, which says that the district is empowered to act as an agent of the United States or any of its agencies in the administration of soil conservation and to accept gifts, donations and contributions in money, services, material or otherwise, and to expend such money, services, material or contributions. By amendment to this subsection, Chapter 74 of the Public Laws of 1947, districts were authorized to enter into contracts or negotiations with any federal agency to receive and distribute surplus war materials to be used in soil conservation.

Nowhere is there an intimation that there is granted to the districts power to borrow money. On the other hand, they seem to be exclusively empowered to receive money. The question that always comes to my mind when it is asked if a fellow can borrow money is, How can he pay it back? Section 11 of this chapter provides the sum of \$250. a year to defray the expenses of the State Council. There is further appropriated \$2750 per year to be expended by the State Soil Conservation Committee in accordance with the provisions of Section 10, and that section provides that the State Committee shall appropriate it equally among the organized districts. I have no idea how many districts there are, but I would say that they would probably cut the \$2750 yearly appropriation pretty thin. . .

Roger A. Putnam  
Assistant Attorney General

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