

MAINE STATE LEGISLATURE

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January 24, 1955

To Honorable Edmund S. Muskie, Governor of Maine
Re: Authority of the Governor of Maine to designate a State agency to negotiate with the Secretary of Health, Education, and Welfare in contemplation of an agreement to be entered into between the State and the Secretary, whereby the State through its agency would make determinations of disability.

After a conference held in your office on January 24th, we conferred at length with the attorney representing the Federal Government, Dr. Espy, Commissioner of Education, and other representatives of both State and Federal Governments.

It is our opinion that you may designate the agency to carry on such negotiations.

It is our opinion that such designation has no effect unless the agency so designated has authority to execute the agreement in question. The federal representative recognizes this fact, realizing that such designation is of an administrative nature only, and it is planned that a proper bill will be presented to the legislature, authorizing the State agency to execute the agreement and to comply with its terms.

We feel that the function of the determination of disability is something distinct from the powers now contained in the Department of Education and not contained within the terms of the Vocational Training Program which the department now administers, and that enabling legislation would be necessary.

James Glynn Frost
Deputy Attorney General

jgf/c