

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

The following is a description of the telephone answering service as contained in your memo:

“The New England Telephone & Telegraph Co. rents to the answering services what they call ‘secretarial turrets,’ which have a 40-line capacity. The larger companies might have more than one such turret, but probably not more than two. The answering services then contract with doctors or other professional men or businesses to answer their telephones when they are out. The ‘customer’ then arranges with the N. E. T. & T. to buy a line to the turret, paying to the answering service a monthly charge for the 24-hour service.

“The only connection with N. E. T. & T. is the renting of the turret to the answering service and the buying of the lines to the turrets by the customers. The services are individually owned and operated.”

We are of the opinion that such employment does not come within any of the above activities contained in Section 30.

JAMES GLYNN FROST
Deputy Attorney General

March 19, 1956

To Sulo Tani, Director of Research and Planning, Development of Industry and Commerce

Re: Federal Assistance under the Federal Housing Act

This is in response to your request for an official opinion as to whether or not the Department of Development of Industry and Commerce, Division of Research and Planning, meets the qualifications to act as applicant for federal assistance to local planning under the Federal Housing Act of 1954, Title VII, Section 701. Said section appropriates a sum of money to be spent on a matching basis with non-federal funds for the purpose of clearing slums and blighted areas and to stimulate State assistance for local planning in those areas.

The procedures for eligibility are set out in “A Guide to Urban Planning Assistance Grants.” On page 1-3 of the aforesaid booklet the qualifications of applicants are set forth:

“In order to qualify for grants, States acting by and through their legally created State planning agencies must be:

- “a. Empowered, under their State laws, to provide planning assistance to small municipalities in the solution of their local planning problems.
- “b. Legally empowered to receive and expend Federal funds and expend other funds for the purpose stated in a. above, and to contract with the United States with respect thereto.
- “c. In position to provide State or other non-Federal funds in an amount at least equal to one-half the estimated cost of the planning work for which the Federal grant is requested.
- “d. Technically qualified to perform the planning work, either with their own staffs or through acceptable contractual arrangements with other

qualified agencies or with private professional organizations or individuals.

“e. Ready and able to assume full responsibility for the proper execution of the program for which the grant is made and for carrying out the terms of the Federal grant contract.”

In respect to c, d and e above set forth, which relate to the non-Federal funds to be used, and to the qualified personnel to plan the work, and the readiness and ability of the Department to assume responsibility for the execution of the program, you have submitted the following:

“c. The matching funds in every case will be provided by the municipality receiving the aid, which funds shall be deposited with the state for disbursement by the state on behalf of the community. A sample agreement form to cover the state-local relationship is attached.

“d. All proposed planning work will be carried out by technically qualified consultants employed by the state under contract, using funds provided by federal and local governments.

“e. The department is ready to assume the responsibility for the conduct of such programs.”

With respect to a. and b. above, we would draw your attention to the fourth paragraph of Section 2 of Chapter 38-A of the Public Laws of 1955, and Section 4, subsection VIII of the same chapter.

The fourth paragraph of Section 22 reads as follows:

“The commissioner is authorized and empowered to accept for the State any Federal funds apportioned under the provisions of Federal law relating to urban planning and planned public works and to do such acts as are necessary for the purpose of carrying out the provisions of such Federal law; and to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out the provisions contained herein.”

By subsection VIII of Section 4 the Division of Research and Planning is empowered to:

“Assist in planning any public or private project involving Federal grants or loans; advise, confer and otherwise cooperate with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to zoning, and planning relating to schools, housing, health, land use controls, assessment and taxation, and other objectives; initiate, encourage and assist local planning boards and other municipal agencies and officials in regional planning.”

In view of the powers of the Commissioner of the Department of Development of Industry and Commerce as set forth in Chapter 38-A, portions of which have been referred to above, we are of the opinion that your Department is qualified to act as an applicant for Federal assistance to local planning under the Federal Housing Act of 1954, Title VII, Section 701.

JAMES GLYNN FROST
Deputy Attorney General