

MAINE STATE LEGISLATURE

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September 21, 1956 720

To Kermit S. Nickerson, Deputy Commissioner of Education
Re: Surplus Property

Lawrence J. Bresnahan, Regional Director, United States Department of Health, Education and Welfare, has forwarded a copy of a proposed letter to Governor Muskie, to your department.

By way of background: Congress has expanded the scope of the Government Surplus Property program so that surplus property may now be distributed and used by State and local agencies for Civil Defense purposes. In his proposed letter Mr. Bresnahan refers to an informal ruling that your State agency does not have legal authority to distribute property for Civil Defense purposes. Our best recollection is that such a ruling was given and that at the time it was based on the Resolves empowering the Department of Education to operate the surplus property program and on our understanding of the then existing Federal law, which did not allow surplus property to be distributed for Civil Defense purposes.

Since that time we have been furnished with a copy of Public Law 655 of the 84th Congress and make specific reference to the last paragraph of that Act. The Congress foresaw that there would be a time lag between the passage of the Federal Act and the time that State legislators and executive departments could catch up with the new program and therefore allowed the designation of certain agencies to carry on the distribution for this purpose until 90 days after the adjournment of the first regular legislative session after the date of the enactment of Public Law 655.

Acting under this authority and Section 15 of Chapter 11, R.S. 1954, we would advise that you request of the Governor and Executive Council that your department be authorized and empowered to accept for the State and any political subdivision thereof any Federal funds or equipment, supplies and materials apportioned under the provisions of Public Law 655 and to authorize your department to do such other acts as will be necessary for the purpose of carrying out the provisions of that Act. This will mean that there will be no stoppage of the distribution of Federal surplus property to our Civil Defense units. As we have stated to you before, we are of the opinion that if your department is to be the continuing agency for the handling of surplus property, broad and ~~xxxxxxx~~ sweeping legislation should be prepared, so that we shall not be habitually faced with the problem of catching up with the Federal law.

I would suggest apprising Mr. Bresnahan of our new stand in regard to the distribution of property for Civil Defense purposes.

rap/c
cc: Charles Caldwell, Jr., Civil Defense

Roger A. Putnam
Assistant Attorney General