

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

January 6, 1958

To Kermit Nickerson, Deputy Commissioner of Education

Re: Educational Television in Unorganized Territory

. . . You inquire if the Commissioner of Education is authorized under Section 164 of Chapter 41 of the Revised Statutes to expend \$1000 in order to obtain music instruction in the schools in the unorganized territories by a television program conducted weekly through a Bangor station.

Section 164 of Chapter 41 reads as follows:

“Such amounts as are necessary to carry out the provisions of sections 159, 160, 161, 164, 165, 177 and 183 shall be paid out of the unorganized territory school fund heretofore established. The commissioner is authorized to use this fund for any purpose in connection with the schooling of children in the unorganized territory of the state, including: salaries, board and traveling expenses of teachers and supervisors; conferences, training programs and professional improvement of teachers; fuel and janitor service; tuition, board and transportation of elementary and secondary school pupils; text and reference books, school apparatus and supplies; leases of rentals of lots or school buildings; minor repairs to school buildings or equipment; services, expenses and fees of agents, attendance officers and clerical assistance; office expenses; utility service; school medical and dental services; and any other expenses he may deem necessary to carry out the purposes of the above-mentioned sections.”

If the Commissioner of Education deems it necessary for the schooling of children in unorganized territory to provide such children with music instruction through a television program, then it is our opinion that expenditures can properly be made for that purpose from the unorganized territory school fund. The amount of money to be taken from the fund would, of course, be an administrative determination.

JAMES GLYNN FROST  
Deputy Attorney General

January 6, 1958

To Honorable Edmund S. Muskie, Governor of Maine

Re: Northeastern Resources Committee Agreement

. . . You requested the Attorney General to explore the possibility of rephrasing the agreement relative to the Northeastern Resources Council so as to eliminate the objections which resulted in the opinion of the Attorney General dated November 15, 1957, that the Governor of Maine had no authority to execute such agreement on behalf of the State of Maine.

You call to our attention the solution of a similar problem (Civil Defense Agreement with the Province of New Brunswick) by means of a memorandum of understanding, rather than by a binding agreement.

The memorandum of agreement referred to was a device, used with Federal approval, to achieve the desired end of arriving at an understanding with a neighboring Province of Canada, without the necessity of securing Congressional approval.

Actually, however, express authority is granted to you, as Governor, to enter mutual aid agreements, under the provisions of the Civil Defense law, with foreign countries, along with other States, Chapter 12, Section 6-V, R. S. 1954.

Relative to the Northeastern Resources Committee, we believe that most of the provisions therein contained are of such a nature that they would be complied with, without binding agreement.

Many of our State departments have jurisdiction over matters which might in some way be affected by action of the Federal Government. It would be entirely proper for officials of such departments to confer with appropriate Federal and other State officials, in order to explore the promotion of coordination of activities in so far as such coordination is consistent with the dictates of our laws.

Thus, while we affirm our opinion that you should not enter into a binding agreement recognizing any unauthorized body as being a body through which you will work in order to achieve such ends, we see no bar to your recognizing such committee and, informally, agreeing that such committee will be used by such of our State departments as have interests in matters to be considered by the committee.

Perhaps the following form would suffice to indicate your action, with copies to each agency interested:

“Dear \_\_\_\_\_

This letter is written with the combined interests of the State of Maine and her sister New England States uppermost in my mind.

“It is my intention, by this letter, to indicate the desires and willingness on the part of the State of Maine to approve in the following terms informal plans and procedures relating to the Northeastern Resources Agreement:

“WHEREAS, on the 26th day of May, 1954, the President of the United States by letter to the Secretary of the Interior approved the Inter-Agency Agreement on Coordination of Water and Related Land Resources Activities submitted by the Department of the Interior to the Director of the Bureau of the Budget, the purpose of said agreement was to provide improved facilities and procedures for the coordination of the policies, programs and activities of the Departments of the Interior; Commerce; Labor; Agriculture; Health, Education and Welfare; and the Army; and the Federal Power Commission in the field of water and related land resources investigation, planning, construction, operation and maintenance, to provide means by which conflicts may be resolved and to provide procedures for coordination of their interests with those of other Federal agencies in the water and related land resources field. Under this agreement there was created the Inter-Agency Committee on Water Resources, and

“WHEREAS, on June 29, 1956, the said Inter-Agency Committee on Water Resources adopted a charter for a Northeastern Resources Committee as follows:

“1. PURPOSE—It is the purpose of this agreement to provide in the Northeastern region improved facilities and procedures for the coordination of the policies, programs, and activities of the States and Federal agencies in the field of water and related land resources investigation, planning, construction, operation and maintenance; to provide means by which conflicts may be resolved; and to provide procedures for

coordination of their interests with those of other Federal, local governmental, and private agencies in the water and related land resources field.

“2. ESTABLISHMENT—

(a) For this purpose there is established a Northeastern Resources Committee of State and Federal representatives operating on a basis of co-equality. The Committee shall be composed of representatives of any of the following States and Federal agencies which indicate a desire to participate:

The States of Maine, New Hampshire, Vermont, Rhode Island, New York and Connecticut, the Commonwealth of Massachusetts, and the Federal Departments of the Interior; Commerce; Labor; Agriculture; Health, Education and Welfare; and the Army; and the Federal Power Commission.

(b) The Governor of each of the States desiring to participate shall designate the member of the Committee for his State.

(c) The Federal members on the Committee shall be designated by the head of the Federal Agency they are to represent and shall preferably be resident in the area.

(d) Committee members may designate other officials to serve as alternates.

(e) Federal agencies will participate in the work of the Committee in accordance with their respective responsibilities and interests and with the intent of the 'Inter-Agency Agreement on Coordination of Water and Related Land Resources Activities' as approved by the President on May 26, 1954.

(f) When appropriate, other Federal, State, public and private agencies will be asked to participate in Committee meetings and to appoint representatives to specific subcommittees, in order that the work of the Committee may be coordinated with the related work of all agencies.

(g) A Chairman shall be elected annually from and by the State and Federal members, provided that, except by unanimous consent of the members, the Chairman shall not succeed himself.

(h) The Committee may designate a secretary for the committee and provide the necessary administrative support incident to his tenure.

(i) The Committee shall have such additional staff assistants as the members may, upon request, assign to it.

“3. METHOD OF OPERATION—

(a) Meetings will be held as often as required, at times and places appropriate to the agenda and normally at intervals of not more than two months. Meetings normally will be open to the public and the press. Special executive sessions of the Committee may be held at the call of the Chairman.

(b) The Committee shall serve as a means for exploring coordinating activities and achieving accord or agreement, at the regional level, among its member States and agencies on issues or problems which may arise. Staff work necessary to coordinate activities and present

the essence of any issues or problems to the Committee shall be carried on by the Committee staff or by subcommittees as appropriate and as may be appointed by the Chairman and approved by the Committee.

(c) Minutes of meetings will be prepared to record the actions and recommendations of the Committee. The minutes will be primarily for use of the participating agencies, but a wider distribution may be made when considered desirable by the Committee.

(d) The Committee may establish further procedures governing its operations as required.

#### “4. RESPONSIBILITIES—

(a) It will be the responsibility of the Committee to establish means and procedures to promote coordination of the water and related land resources activities of the States and of the Federal agencies; to promote resolution of problems at the regional level; to suggest to the States or to the Inter-Agency Committee on Water Resources changes in law or policy which would promote coordination, or resolution of problems; and in its discretion to communicate with the Inter-Agency Committee on Water Resources on any matters of mutual interest.

(b) The efforts of the Committee on coordination of work and resolution of conflicts will be directed towards all State and Federal activities involved in their respective water and related land resources development responsibilities and shall include coordination of the following:

- (1) Collection and interpretation of basic data.
- (2) Investigation and planning of water and related land resources projects.
- (3) Programming (including scheduling) of water and related land resources construction and development.

#### “5. GEOGRAPHICAL JURISDICTION—

“The geographical area to be encompassed within the sphere of Committee influence will include the entire States of Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine and New York, including Passamaquoddy Bay, Long Island Sound, and the Atlantic Ocean contiguous to the Northeastern Region.”

“Being cognizant of the mutual benefits to be derived from the objectives of the above terms, it is my intent to adopt the said terms, within such statutory limits as apply to the departments and agencies of the State of Maine, as being the informal plans and procedures relating to the coordination of the policies, programs, and activities of the States and Federal agencies in the fields of water and related land resources.

Upon receipt of a letter from you, indicating the willingness of your (State, agency, etc.) to adopt similarly the terms above set forth, the State of Maine will consider such terms immediately effective.”

(To be signed by the Governor)

We hope that the above will answer your question.

FRANK F. HARDING  
Attorney General