

# MAINE STATE LEGISLATURE

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November 18, 1958

Kermit Nickerson, Deputy Commissioner

Education

George A. Wathen, Assistant

Attorney General

**FEDERAL FUNDS**

I have your request concerning whether or not there is statutory authority in Maine to accept federal funds under the National Defense Education Act of 1958. You have directed the request in reference to Title III and Title V of the Act which sections relate to assistance for science, mathematics and foreign languages and guidance, counseling and testing.

A survey of Chapter 41 indicates that there is nothing that provides for accepting federal funds for this purpose such as there is for part-time schools and other federal participation programs.

As you have pointed out in your memo, Section 15 of Chapter 11, Revised Statutes of 1954, provides that the executive is authorized and empowered to accept for the state any federal funds and to do such acts as are necessary to carry out the provisions of the federal law.

Title III provides an appropriation of federal funds for three purposes, (1) making payments to state educational agencies for the acquisition of equipment for education in the fields of science, mathematics, and modern languages, (2) minor remodeling under the state plan and, (3) loans under the state plan. Section 305 provides that in the present year the Commissioner shall pay to "such State an amount equal to the amount expended by such State for such year to carry out the program referred to in paragraph (5) of section 305(a) . . ."

It would therefore appear to me that if it can be shown to the federal government that funds have been spent for the purposes stated under an approved plan that the State is entitled to the funds.

Title V provides that there shall be a state plan submitted for guidance, counseling and testing of students and further provides equal matching of funds expended by the state for the first year.

It is my opinion that if the <sup>state Department and</sup> administrative units can show that they have used state educational aid funds for these purposes, the government will be willing to match these expenditures.

I would suggest that enabling legislation be prepared to include these programs if you wish to take advantage of them in future years.

George A. Wathen  
Assistant Attorney General