

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

For The Calendar Years

1963 - 1964

March 18, 1963

To: R. W. MacDonald, Chief Engineer, Water Improvement Commission
Re: State Grants to Sewage Treatment Facilities

You have asked if the Water Improvement Commission may limit the state contribution to a municipal or quasi-municipal pollution abatement construction program to a percentage of the cost of eligible items less than the 30% prescribed by federal law.

Answer: Yes.

Chapter 79, section 7-A, provides:

"The Water Improvement Commission is authorized to pay an amount equal to the total federal contribution under P. L. 660, 84th Congress, to the expense of a municipal or quasi-municipal pollution abatement construction program which has received federal approval and federal funds for construction."

This statute is "authorization" for the Water Improvement Commission to pay an amount equal to the total federal contribution under a given law. The federal contribution under this particular law is 30% or \$250,000, whichever is smaller, of the estimated cost of construction. The important verb in this statute is "authorized." Generally the verb "authorize" denotes authority or permission to do a certain act. It does not make the full and complete act mandatory. The person "authorized" may do a certain act if able or he believes that he should do it.

We, therefore, conclude that the Water Improvement Commission cannot contribute to a municipal or quasi-municipal pollution abatement construction program more than the total federal contribution under P. L. 660, 84th Congress. The federal contribution so specified is the maximum which the state may contribute. The state's contribution, like that of the federal government, is determined and limited by the amount of funds appropriated by the legislature. If the legislature does not appropriate to the Commission sufficient funds for it to contribute an equal share with the federal government, then the Commission may contribute a lesser amount. Such amount would, of course, be determined by the Commission.

GEORGE C. WEST

Deputy Attorney General

March 22, 1963

To: Governor John H. Reed
State House
Augusta, Maine

Dear Governor Reed:

Re: Interpretation of Section 15 I, Chapter 29, of Revised Statutes

You have asked two questions concerning Revised Statutes 1954, Chapter 29, section 15, I, as amended by Public Laws, 1961, Chapter 361, section 4.

"1) Does the present Section 15, I, make it mandatory that the com-