

MAINE STATE LEGISLATURE

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July 29, 1963

Philip J. Macy, Deputy Commissioner

Economic Development

George C. West, Deputy

Attorney General

ARA Loan Applications, Signature of DED Certifying Official

FACTS:

The Department of Economic Development has been designated as the state agency to approve applications for Area Redevelopment Administration loans. The Commissioner of that department has resigned effective August 1, 1963. There are applications for such loans now pending.

QUESTION:

What official within the Department of Economic Development has the authority to approve these applications?

ANSWER:

The Deputy Commissioner.

OPINION:

Public Law 87-27, 87th Congress, provides, in section 6, financial assistance shall be extended only to applicants, both private and public, which have been "approved for such assistance by an agency or instrumentality of the State. . . . directly concerned with problems of economic development in such State."

Normally, the Commissioner of the Department of Economic Development would approve such applications. The Commissioner has resigned. So the question arises who can approve such applications.

R. S. 1954, Chapter 38-A, section 2, provides in part:

"The commissioner may employ such division chiefs, deputies, assistants and employees as may be necessary, subject to the provisions of the personnel law; . . ."

Pursuant to this provision the position of Deputy Commissioner was set up through the Personnel Department. Among the duties of this position are:

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"Establishes and maintains close liaison with various agencies at the federal level so that the department's activities may be coordinated with federal programs in order to take advantage of any federal assistance.

"Acts for the Commissioner in all phases of the department's operations during the frequent absences of the Commissioner."

The Deputy Commissioner, therefore, acts in the absence of the Commissioner and is fully authorized to approve applications for Area Redevelopment loans.

George C. West
Deputy Attorney General

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