

MAINE STATE LEGISLATURE

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no
November 1, 1963

Standish K. Bachman, Commissioner

Economic Development

George C. West, Deputy

Attorney General

Federal Assistance under the Federal Housing Act.

FACTS:

The State of Maine applied in 1956 to participate in the so-called 701 program of Urban Planning Program. Deputy Attorney General James G. Frost on March 19, 1956, and Assistant Attorney General Roger A. Putnam on June 22, 1956, wrote opinions stating that the laws of the State of Maine permitted the then Department of Development of Industry and Commerce to make such application.

It is now necessary for the present Department of Economic Development to make a re-application. It is also necessary to submit a new opinion from the Department of the Attorney General.

QUESTION:

Is the Department of Economic Development qualified to act as an applicant for Federal assistance to local planning under the Federal Housing Act of 1954, Title VII, section 701?

ANSWER:

Yes.

OPINION:

In the opinion of March 19, 1956, the fourth paragraph of section 2 of chapter 38-A is quoted. That paragraph has not changed, except for the deletion of words of surplusage and the substitution of the words "this chapter" for "contained herein" at the end thereof.

By Section 4, subsection VIII, the Division of Research and Planning is empowered to:

"VIII Assist in planning and executing any public or private project involving federal grants or loans; advise, confer and otherwise cooperate with municipal

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planning boards, agencies, officials, civic and other groups and citizens in matters relating to urban renewal, zoning, and planning relating to schools, housing, health, land use controls, assessment and taxation, and other objectives; initiate, encourage and assist local planning boards and other municipal agencies and officials in regional planning and urban renewal."

In view of the powers of the Commissioner of Economic Development, as set forth in chapter 38-A, "to accept for the State any Federal funds apportioned under federal law relating to urban planning and planned public works and to do such acts as are necessary for the purpose of carrying out such federal law" we are of the opinion that your department is qualified to act as an applicant for Federal assistance to local planning under the Federal Housing Act of 1954, Title VII, section 701.

George C. West
Deputy Attorney General

GCW:H