

MAINE STATE LEGISLATURE

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yes ✓

March 30, 1966

Standish M. Eshman, Commissioner
Edward C. Hinkley, Commissioner

Economic Development
Indian Affairs

George C. West, Deputy

Attorney General

Planning for Skine Indians.

PAGE:

A recent planning agency letter (#35) from the Federal Department of Housing and Urban Development has brought to our attention a need for interpretation of enabling legislation to clarify Research and Planning Division (Department of Economic Development) responsibility, legal authority, and/or policy to meet the needs of certain members of our resident population.

The planning agency letter referred to above outlines new policy and procedure of the Department of Housing and Urban Development for eligibility of applicants, work programs, coordination activity, funding and other Federal requirements as administrator of the relevant provisions of the Housing Act of 1954, as amended. Section 701 of the Act authorizes grants to be made for programs of comprehensive planning for Indian Reservations to State planning agencies, or in the absence of such an agency, to agencies or instrumentalities of State government designated by the Governor of the State and acceptable to the Administrator (HUD) as capable of carrying out the planning functions contemplated by Section 701, for the provision of planning assistance to Indian Reservations.

The HUD Administrator is also authorized to make grants to tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian reservation to which no State planning agency is empowered to provide planning assistance as described in the preceding paragraph.

Grants may be authorized for up to two thirds of the cost of planning work, or for three quarters of the cost for reservations located in redevelopment areas (such as the Passamaquoddy in Washington County) designated by the Secretary of Commerce under Section 401 of the Public Works and Economic Development Act of 1965.

QUESTION:

Does the Maine State Department of Economic Development have legal authority under Title 10, M.R.S.A., to act as the applicant for grants under the Urban Planning Assistance programs of the Department of Housing and Urban Development for Maine Indian reservations?

ANSWER:

Yes.

OPINION:

Under date of March 19, 1956 this office gave an opinion to the Department of Economic Development that it was the proper state department to receive federal funds for local planning under the Federal Housing Act of 1954, Title VII, Section 701. This opinion has been reaffirmed periodically following each session of the legislature.

Nothing has been changed in the Maine law over the years, except to set up departmental reorganizations through legislative action. The overall function of the Department of Economic Development has not changed. The Indians have been removed from the supervision of the Department of Health and Welfare and placed in the Department of Indian Affairs.

These changes have in no way changed the authority of the Department of Economic Development to "assist in planning and executing any public or private project involving federal grants or loans." 10 M.R.S.A. § 431, 2.

The department is further authorized to "accept for the State any federal funds apportioned under federal law relating to . . . planned public works. . . ; and to accept from any other agency of government. . . such funds as may be available in carrying out this chapter." 10 M.R.S.A. § 402.

When viewed as a whole, the statutes give the Department of Economic Development adequate authority to apply for federal funds under the so-called section 701 program for purposes of planning for Indian Reservations.

George C. West
Deputy Attorney General