

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date February 7, 1968

To Neil Rolde, Consultant - Federal- Dept. Executive
State Coordinator

From George C. West, Deputy Dept. Attorney General

Subject _____

This memo will confirm the verbal statements made to you on the telephone today, February 7. Walter Corey, Federal-State Coordinator, had called me from Boston asking whether or not the office of Federal-State Coordinator had authority under State of Maine law to accept funds from the federal government. My answer given to you verbally on the telephone was that the office of Federal-State Coordinator does not have authority to accept funds from the federal government, per se.

The office of Federal-State Coordinator was created by Private and Special Laws, 1965, Chapter 262; section 3 sets forth the duties of the Coordinator: "He shall be under the immediate supervision, direction and control of the Governor and shall perform such duties as may be prescribed."

In other words, the Federal-State Coordinator has only such authority and duties as may be prescribed by the Governor. There is no provision in this chapter authorizing him to accept funds from the federal government.

The Governor, per se, has no authority to accept funds from the federal government. Title 2, M.R.S.A. § 4, states that the Governor with the advice and consent of the Council is authorized and empowered to accept for the state any federal funds, equipment, supplies or material apportioned under federal law and to do such acts as are necessary for the purpose of carrying out such federal law.

From this we conclude that the Governor must have the advice and consent of the Executive Council to accept federal funds.

The above section further provides that the Governor with the advice and consent of the Council is authorized and empowered to direct departments or agencies of the state "to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the federal act authorizing such granting of federal funds or such equipment, supplies or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements."

In other words, the Governor with the advice and consent of the Council, having accepted for the state any federal funds, may, with the advice and consent of the Council direct any department or agency of the state who has a duty by statute to perform the particular functions to expend the funds from the federal government.

If the spending of the funds is within the authority of the Governor's office, he may delegate this authority to the Federal-State Coordinator under the terms of Private and Special Laws 1965, Chapter 262, section 3.

George C. West
George C. West
Deputy Attorney General

GCW:H